JOURNAL

OF THE

KENTUCKY SENATE

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION OF 1952

VOL. I

Held in the State Capitol, in the Capital City of Kentucky, at Frankfort, in the Year of Our Lord 1952 and in the One Hundred and Fifty-Sixth Year of the Commonwealth

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Begun on the Eighth Day of January, 1952, and Adjourned Sine Die on the Twenty-First Day of March, 1952

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TUESDAY, JANUARY 8, 1952

At a General Assembly of the Commonwealth of Kentucky, begun and held at the Capitol, in the City of Frankfort, on Tuesday, the eighth day of January, in the Year of Our Lord One Thousand Nine Hundred and Fifty-two, and the one hundred and sixtieth year of the Commonwealth, that being the day fixed by the Constitution for the meeting thereof, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth of Kentucky and President of the Senate, assumed the chair and called the Senate to order.

The Senate was opened with prayer by the Reverend W. P. Wilhoyte, pastor of the Church of the Nazarene, Frankfort, Kentucky.

Thereupon, Mr. John Luby, in the absence of Mr. John F. Dugan, Chief Clerk of the Senate during the session of the General Assembly last past, now Acting Clerk produced and read the following certificates from the Secretary of State, viz:

I, Charles K. O'Connell, Secretary of the State of the Commonwealth of Kentucky, do hereby certify that the attached is a true and correct copy of the duly elected membership of the Senate of the Commonwealth of Kentucky according to the records of this office and to the best of my knowledge and belief.

Given under my hand and seal of office this the eighth day of January, 1952.

CHARLES K. O'CONNELL
Charles K. O'Connell

FROM THE OFFICE OF

GEORGE GLENN HATCHER, SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

Frankfort, Kentucky.

STATE SENATORS

(1952 Membership)

1. Graves-Hickman-Fulton-Marshall: Wayne W. Freeman, Democrat, Mayfield.
2. McCracken-Ballard-Carlisle-Livingston: Strother Melton, Democrat, Paducah.
3. Calloway-Crittenden-Caldwell-Trigg-Lyon: James W. Lassiter, Democrat, Murray.
4. Henderson-Union-Webster: Stanley Hoffman, Democrat, Henderson.
5. Todd-Logan-Muhlenberg-Simpson: James R. Mansfield, Democrat, Elkton.
6. Christian-Hopkins: James P. Hanratty, Democrat, Hopkinsville.
7. Warren-Allen-Edmonson: Thomas W. Hines, Republican, Bowling Green.
8. Daviess-Hancock-McLean: Ernest M. Ford, Democrat, Owensboro.
9. Hart-Adair-Barren-Metcalf: E. V. Withers, Democrat, Hardyville.
10. Ohio-Butler-Breckenridge-Grayson: Earl F. Martin, Republican, Hartford.
11. Campbell: Paul J. Stapleton, Democrat, Fort Thomas.
12. Meade-Bullitt-Spencer-Larue-Hardin: John M. Williams, Democrat, Guston.
13. Fayette: Richard P. Moloney, Democrat, Lexington.
14. Taylor-Green-Marion-Nelson-Washington: Ollie W. Montgomery, Democrat, Campbellsville.
15. Pulaski-Whitley-McCreary: Homer E. Losey, Republican, Somerset.
16. Clinton-Cumberland-Russell-Monroe-Wayne: Ed. P. Warinner, Republican, Albany.
17. Bell-Knox: Julian H. Golden, Republican, Pineville.

18. Casey-Boyle-Garrard, Lincoln: Otis C. Thomas, Republican, Liberty.
19. Clay-Owsley-Rockcastle-Jackson-Laurel: Eugene H. Clark, Republican, Sexton's Creek.
20. Franklin-Anderson-Scott-Shelby: Louis Cox, Democrat, Frankfort.
21. Leslie-Harlan: Augustus E. Cornett, Republican, Hyden.
22. Madison-Jessamine-Mercer-Woodford: Clay Shackelford, Democrat, Richmond.
23. Letcher-Perry: Archie Craft, Democrat, Whitesburg.
24. Kenton: Sylvester J. Wagner, Democrat, Covington.
25. Johnson-Boyd-Lawrence: Wendell Van Hoose, Republican, Tutor Key.
26. Gallatin-Boone-Carroll-Henry-Oldham-Owen-Trimble: Alvin Kidwell, Democrat, Sparta.
27. Rowan-Mason-Menifee-Bath-Fleming-Wolfe: Wm. J. Sample, Democrat, Morehead.
28. Montgomery-Bourbon-Clark-Estill-Powell: R. Jack Reynolds, Democrat, Mt. Sterling.
29. Floyd-Knott-Martin: Doug Hays, Democrat, McDowell.
30. Nicholas-Bracken-Grant-Harrison - Pendleton - Robertson: H. Stanley Blake, Carlisle.
31. Pike: Dr. J. E. Johnson, Democrat, Stone.
32. Carter-Elliot-Greenup-Lewis: Bert Kiser, Democrat, Olive Hill.
33. Jefferson: Bernard J. Bonn, Democrat, Louisville.
34. Morgan-Breathitt-Magoffin-Lee: Cortis K. Stacy, Democrat, West Liberty.
35. Jefferson: Martin J. Duffy, Jr., Democrat, Louisville.
36. Jefferson: Freeman L. Robinson, Republican, Louisville.
37. Jefferson: Charles W. A. McCann, Democrat, Louisville.
38. Jefferson: Leon J. Shaikun, Democrat, Louisville.

The roll of the Senate was called, and the following Senators answered to their names, viz:

H. Stanley Blake	Archie Craft	James P. Hanratty
Bernard J. Bonn	Martin J. Duffy	Doug Hays
Eugene H. Clark	Ernest M. Ford	Thomas Hines
Augustus Cornett	Wayne Freeman	Stanley Hoffman
Louis Cox	Julian Golden	Dr. J. E. Johnson

Alvin Kidwell	Richard P. Moloney	Paul Stapleton
Bert Kiser	O. W. Montgomery	Otis C. Thomas
James Lassiter	Jack R. Reynolds	Wendell Van Hoose
Homer E. Losey	Freeman Robinson	Sylvester Wagner
C. W. A. McCann	William J. Sample	Ed P. Warriner
James R. Mansfield	Clay Shackleford	John M. Williams
Earl F. Martin	Leon Shaikun	E. V. Withers
Strother Melton	Cortis K. Stacy	

Thereupon the following Senators produced their respective certificates of election, appeared before the bar of the Senate, and took their several oaths of office as required by the Constitution and the laws of the Commonwealth of Kentucky, the oaths being administered by Chief Justice J. W. Cammack of the Court of Appeals of Kentucky, viz:

Eugene H. Clark	James P. Hanratty	Wendell Van Hoose
Augustus Cornett	Thomas Hines	Ed P. Warriner
Archie Craft	James Lassiter	John M. Williams
Martin J. Duffy	Homer E. Losey	E. V. Withers
Wayne Freeman	James R. Mansfield	
Julian Golden	William J. Sample	

The President of the Senate recognized Senator Doug Hays, who announced that the Democratic Party in caucus assembled had elected the Honorable R. P. Moloney, Senator from the County of Fayette, as Majority Floor Leader.

The President of the Senate then recognized Senator Homer E. Losey, who announced that the Republican Party in caucus assembled had elected the Hon. Freeman L. Robinson, Senator from the County of Jefferson, 36th District, as Minority Floor Leader.

The President of the Senate then announced that the election of the Chief Clerk of the Senate of Kentucky was in order.

Senator Moloney named the Honorable Troy B. Sturgill as a suitable person to fill said office.

There being no further nominations for the office aforesaid, the roll of the Senate was called as follows, viz:

H. Stanley Blake	Augustus Cornett	Archie Craft
Eugene H. Clark	Louis Cox	Martin J. Duffy

Ernest M. Ford	Homer E. Losey	Leon Shaikun
Wayne Freeman	C. W. A. McCann	Cortis K. Stacy
Julian Golden	James R. Mansfield	Paul Stapleton
James P. Hanratty	Earl F. Martin	Otis C. Thomas
Doug Hays	Strother Melton	Wendell Van Hoose
Thomas Hines	Richard P. Moloney	Sylvester Wagner
Stanley Hoffman	O. W. Montgomery	Ed P. Warriner
Dr. J. E. Johnson	Jack R. Reynolds	John M. Williams
Alvin Kidwell	Freeman Robinson	E. V. Withers
Bert Kiser	William J. Sample	
James Lassiter	Clay Shackleford	—37

A majority of the members elected being present and voting, it appeared that Mr. Sturgill had received the unanimous vote of the Senate, and the President of the Senate declared Mr. Sturgill the duly elected Chief Clerk of the Senate.

Thereupon, Mr. Sturgill appeared before the bar of the Senate and was administered the oath of office as required by the Constitution and the laws of the Commonwealth of Kentucky, by Chief Justice J. W. Cammack, of the Court of Appeals of Kentucky.

Thereupon, the President of the Senate vacated the chair, and Mr. Sturgill, Chief Clerk of the Senate, assumed the chair and presided.

The presiding officer announced that nominations for President Pro Tem of the Senate were in order.

Senator Moloney named Senator Louis Cox, of the County of Franklin, as a suitable person to fill said office.

Senator Homer Losey named Senator Freeman L. Robinson, of the County of Jefferson, 36th District, as a suitable person to fill said office.

There being no further nominations for the office of President Pro Tem of the Senate, the vote was taken thereon, resulting as follows, viz:

Those who voted for Senator Cox were:

H. Stanley Blake	Archie Craft	Ernest M. Ford
Bernard J. Bonn	Martin J. Duffy	Wayne Freeman

James P. Hanratty	C. W. A. McCann	Clay Shackleford
Doug Hays	James R. Mansfield	Leon Shaikun
Stanley Hoffman	Strother Melton	Cortis K. Stacy
Dr. J. E. Johnson	Richard P. Moloney	Paul Stapleton
Alvin Kidwell	O. W. Montgomery	Sylvester Wagner
Bert Kiser	Jack R. Reynolds	John M. Williams
James Lassiter	William J. Sample	E. V. Withers

—27

Those who voted for Senator Robinson were:

Eugene H. Clark	Thomas Hines	Otis C. Thomas
Augustus Cornett	Homer E. Losey	Wendell Van Hoose
Julian Golden	Earl F. Martin	Ed P. Warriner

—9

A majority of all the members elected being present and voting, and Senator Cox having received the majority vote of the Senate, the presiding officer declared Senator Cox to be the duly elected President Pro Tem of the Senate.

Thereupon, the Chief Clerk vacated the chair, and the President of the Senate resumed the chair and presided.

The President of the Senate then announced that nominations for the office of Assistant Clerk of the Senate were now in order.

Senator Moloney named Mrs. Bettye Ashcraft as a suitable person to fill said office.

There being no further nominations for the office above named, the roll of the Senate was called, as follows:

H. Stanley Blake	James P. Hanratty	James R. Mansfield
Bernard J. Bonn	Doug Hays	Earl F. Martin
Eugene H. Clark	Thomas Hines	Strother Melton
Augustus Cornett	Stanley Hoffman	Richard P. Moloney
Louis Cox	Dr. J. E. Johnson	O. W. Montgomery
Archie Craft	Alvin Kidwell	Jack R. Reynolds
Martin J. Duffy	Bert Kiser	Freeman Robinson
Ernest M. Ford	James Lassiter	William J. Sample
Wayne Freeman	Homer E. Losey	Clay Shackleford
Julian Golden	C. W. A. McCann	Leon Shaikun

Cortis K. Stacy	Wendell Van Hoose	John M. Williams	
Paul Stapleton	Sylvester Wagner	E. V. Withers	
Otis C. Thomas	Ed P. Warriner		—37

A majority of the members elected being present and voting, it appeared that Mrs. Ashcraft had received the unanimous vote of the Senate, and the President of the Senate declared Mrs. Ashcraft the duly elected Assistant Clerk of the Senate.

The President of the Senate then announced that nominations for the office of Sergeant-at-Arms of the Senate were in order.

Senator Moloney named Mr. Bernhardt Bauer as a suitable person to fill said office.

There being no further nominations for the office above named, the roll of the Senate was called, as follows, viz:

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample	
Eugene H. Clark	Alvin Kidwell	Clay Shackleford	
Augustus Cornett	Bert Kiser	Leon Shaikun	
Louis Cox	James Lassiter	Cortis K. Stacy	
Archie Craft	Homer E. Losey	Paul Stapleton	
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas	
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose	
Wayne Freeman	Earl F. Martin	Sylvester Wagner	
Julian Golden	Strother Melton	Ed P. Warriner	
James P. Hanratty	Richard P. Moloney	John M. Williams	
Doug Hays	O. W. Montgomery	E. V. Withers	
Thomas Hines	Jack R. Reynolds		
Stanley Hoffman	Freeman Robinson		—37

A majority of the members elected being present and voting, it appeared that Mr. Bauer had received the unanimous vote of the Senate, and the President of the Senate declared Mr. Bauer the duly elected Sergeant-at-Arms of the Senate.

The President of the Senate then announced that nominations for the office of Enrolling Clerk were in order.

Senator Moloney named Mrs. Carrie A. Allan as a suitable person to fill said office.

There being no further nominations for the office above named, the roll of the Senate was called, as follows, viz:

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warriner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—37

A majority of the members elected being present and voting, it appeared that Mrs. Allan had received the unanimous vote of the Senate, and the President of the Senate declared Mrs. Allan the duly elected Enrolling Clerk of the Senate.

The President of the Senate then announced that nominations for the office of Doorkeeper were in order.

Senator Moloney named Mr. Robert L. Surritt as a suitable person to fill said office.

There being no further nominations for the office above named, the roll of the Senate was called, as follows, viz:

H. Stanley Blake	James P. Hanratty	C. W. A. McCann
Eugene H. Clark	Doug Hays	James R. Mansfield
Augustus Cornett	Thomas Hines	Earl F. Martin
Louis Cox	Stanley Hoffman	Strother Melton
Archie Craft	Dr. J. E. Johnson	Richard P. Moloney
Martin J. Duffy	Alvin Kidwell	O. W. Montgomery
Ernest M. Ford	Bert Kiser	Jack R. Reynolds
Wayne Freeman	James Lassiter	Freeman Robinson
Julian Golden	Homer E. Losey	William J. Sample

Clay Shackleford	Otis C. Thomas	Ed P. Warriner
Leon Shaikun	Wendell Van Hoose	John M. Williams
Cortis K. Stacy	Sylvester Wagner	E. V. Withers
Paul Stapleton		—37

A majority of the members elected being present and voting, it appeared that Mr. Surritt had received the unanimous vote of the Senate, and the President of the Senate declared Mr. Surritt the duly elected Doorkeeper of the Senate.

The President of the Senate then announced that nominations for the office of Janitor were now in order.

Senator Moloney named Mrs. Mayme Moore as a suitable person to fill said office.

There being no further nominations for the office above named, the roll of the Senate was called, as follows, viz:

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warriner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—37

A majority of the members elected being present and voting, it appeared that Mrs. Moore had received the unanimous vote of the Senate, and the President of the Senate declared Mrs. Moore the duly elected Janitor.

The President of the Senate then announced that nominations for the office of Cloakroomkeeper were now in order.

Senator Moloney named Will Patterson as a suitable person to fill said office.

There being no further nominations for the office above named, the roll of the Senate was called, as follows, viz:

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warriner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—37

A majority of the members elected being present and voting, it appeared that Mr. Patterson had received the unanimous vote of the Senate, and the President of the Senate declared Mr. Patterson the duly elected Cloakroomkeeper of the Senate.

The President of the Senate then announced that nominations for Pages of the Senate were now in order.

Senator Moloney named Misses Susan Carter and Sue Ellen Stapleton and Master Joe Stacy Wells as suitable persons to fill said offices.

There being no further nominations for the office above named, the roll of the Senate was called, as follows:

H. Stanley Blake	Doug Hays	Earl F. Martin
Eugene H. Clark	Thomas Hines	Strother Melton
Augustus Cornett	Stanley Hoffman	Richard P. Moloney
Louis Cox	Dr. J. E. Johnson	O. W. Montgomery
Archie Craft	Alvin Kidwell	Jack R. Reynolds
Martin J. Duffy	Bert Kiser	Freeman Robinson
Ernest M. Ford	James Lassiter	William J. Sample
Wayne Freeman	Homer E. Losey	Clay Shackleford
Julian Golden	C. W. A. McCann	Leon Shaikun
James P. Hanratty	James R. Mansfield	Cortis K. Stacy

Paul Stapleton	Sylvester Wagner	John M. Williams
Otis C. Thomas	Ed P. Warriner	E. V. Withers
Wendell Van Hoose		—37

A majority of the members elected being present and voting, it appeared that Misses Carter and Stapleton and Master Wells had received the unanimous vote of the Senate, and the President of the Senate declared Misses Carter and Stapleton and Master Wells to be the duly elected Pages of the Senate.

Thereupon, all of the said Constitutional officers above named and the President Pro Tem of the Senate appeared before the bar of the Senate and took the oath of office as required by the Constitution and laws of Kentucky, which oath was administered by Chief Justice J. W. Cammack, of the Court of Appeals of Kentucky.

INTRODUCTION OF RESOLUTIONS

Senator Moloney then offered a resolution of the following title, viz:

S. Res. No. 1. A RESOLUTION notifying the House and the Governor that the Senate is organized.

Said resolution is as follows, viz:

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

That the President of the Senate be authorized and directed to appoint a committee of five members to notify the House of Representatives that the Senate is organized and ready for business, and that this committee meet with a like committee to be appointed by the Speaker of the House, and that said joint committee then call on the Governor of the Commonwealth of Kentucky to notify him that this General Assembly is duly organized and ready to receive any message that he may desire to deliver, his fixing the time and place.

Senator Moloney moved that the Senate do now adopt said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

Whereupon, the President of the Senate, acting under the authority heretofore conferred, announced the names of Senator Stapleton, Senator Shackelford, Senator Sample, Senator Thomas, Senator Clark, Senator Freeman and Senator Withers as members constituting said committee.

Senator Moloney then offered a resolution of the following title, viz:

S. Res. No. 2. A RESOLUTION relating to extending an invitation to the pastors of Frankfort churches to open sessions of the Senate with prayer.

Said resolution is as follows, viz:

Be it resolved by the Senate of the Commonwealth of Kentucky:

That the Sergeant-at-Arms be directed to invite the pastors of the various churches to attend the meetings of this Senate and open the sessions thereof with prayer.

Senator Moloney moved that the Senate do now adopt said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

Senator Moloney then offered a resolution of the following title, viz:

S. Res. No. 3. A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and the House of Representatives adjourn today, Wednesday, January 9, 1952 they adjourn to meet again on Monday, January 14, 1952, at 8:00 o'clock, P. M.

Senator Moloney moved that the Senate do now adopt said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Moloney.

Senate Bill No. 1. AN ACT relating to bribery of participants in professional or amateur games, sports, contests and horse racing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whoever gives, promises or offers to any professional or amateur baseball, football, hockey, polo, tennis or basketball player or boxer or any player who participates or expects to participate in any professional or amateur game or sport or any jockey, driver, groom or any person participating or expecting to participate in any horse race, including owners of race tracks and their employees, stewards, trainers, judges, starters or special policemen, or to any manager, coach or trainer of any team or participant or prospective participant in any such game, contest or sport, any valuable thing with intent to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in a baseball, football, hockey or basketball game, boxing, tennis or polo match or a horse race or any professional or amateur sport, or game, in which such player or participant or jockey or driver, is taking part or expects to take part, or has any duty or connection therewith, is guilty of a felony, punishable by imprisonment for not less than one year, nor more than ten years and by a fine of not more than ten thousand dollars.

Section 2. Any professional or amateur baseball, football, hockey, basketball, tennis or polo player, boxer, or jockey, driver,

or groom or participant or prospective participant in any sport or game or a manager, coach or trainer of any team or individual participant or prospective participant in any such game, contest or sport, who solicits or accepts any valuable thing to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in a baseball, football, hockey or basketball game or boxing, tennis or polo match, or horse race or any game or sport in which he is taking part, or expects to take part, or has any duty or connection therewith, is guilty of a felony, punishable by imprisonment for not less than one year, nor more than five years and by a fine of not more than ten thousand dollars.

Section 3. WHEREAS, the conduct for which this Act imposes a penalty is responsible for widespread indignation and loss of confidence in the sports and activities included herein and constitutes an imminent danger to the existence and continuation of the amateur, collegiate and professional sports and activities included herein, and seriously endangers the welfare of all of the persons and institutions participating in or connected with such sports;

NOW, THEREFORE, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Senator Reynolds.

S. B. No. 2. AN ACT to establish a retirement system for the Kentucky Department of Highways employees; to create a Kentucky Department of Highways Retirement Board, and to prescribe its duties, powers, organizations and functions; to provide for the creation of a Retirement Fund; to appropriate funds for carrying out the provisions of this Act; and to prescribe penalties and punishments for any violation of the terms of this Act upon conviction thereof, and to repeal any Statute in conflict herewith.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. DEFINITIONS. That, as used in this Act, the fol-

lowing words and phrases, unless a different meaning is plainly required by the context, shall have the following meaning:

(a) "Retirement System" means the "Kentucky Department of Highways Retirement System," created by this Act.

(b) "Board" means "The Kentucky Department of Highways Retirement Board," as provided in this Act.

(c) "State" means the Commonwealth of Kentucky.

(d) "Medical Panel" means the "Panel of Physicians" provided for in this Act.

(e) "Employee" means any person who is, or was regularly employed on a salary basis in the service of, and whose compensation is or was payable, in whole or in part, by the Department of Highways, but does not include any person performing services on an hourly-wage, contractual, fixed fee, temporary, or percentage basis. Wherever the masculine pronoun is used it shall also mean feminine.

(f) "Employer" means the Kentucky Department of Highways.

(g) "Member" means any person included in the membership of the Retirement System.

(h) "Current Service" means service as an employee after the date of establishment of the Retirement System.

(i) "Prior Service" means service as an employee prior to the date of establishment of the Retirement System.

(j) "Service" means service as an employee without regard to the date of such service.

(k) "Beneficiary" means any person entitled to receive a retirement allowance, or any benefit as provided by this Act.

(l) "Employee's Accumulated Contributions" means the sum of all amounts deducted from the salary of, or paid by, a member, and credited to his account.

(m) "Average Compensation" means the average annual earned compensation of a member during the last five consecu-

tive years of service unless the employee requests the board to use a consecutive five-year period of his selection.

(n) "Retirement Allowance" means the payments made under this Act to retired or disabled members.

(o) "Department" means the Department of Highways of the Commonwealth of Kentucky.

Sec. 2. SYSTEM ESTABLISHED.

There is hereby created and established, as of the effective date of this Act, a Retirement System for State Highway Employees to be known as the "Kentucky Department of Highways Retirement System." It shall transact all business as provided for in this Act under said name, shall have all the powers and privileges of a corporation, shall hold all securities in the name of the corporation, and shall begin to function as hereinafter provided.

Sec. 3. BOARD.

(a) Said Retirement System shall be administered by Board to be known as the "Kentucky Department of Highways Retirement Board," which shall organize and begin to function at Frankfort after the effective date of this Act and not later than July 1, 1952, and shall meet as often thereafter in Frankfort as may be determined by the Board. Said Board shall consist of the Commissioner of Highways or some officer or employee of the department designated by him to act in his place, who shall be a member ex officio, and four other persons, not State employees, whom the Governor shall appoint and who shall serve for terms of four years, except that one member of the first Board shall be appointed for a term of one year, one member for a term of two years, one member for a term of three years, and one member for a term of four years.

(b) With the exception of the ex officio member, Board members shall receive a salary of ten dollars per day for each day they are in session or are on official duty. All Board members shall receive per diem expenses in accordance with Kentucky Highway Department Standards and regulations when on official duty.

(c) The Board shall elect its Chairman and Vice Chairman.

(d) A majority of the members of the Board shall constitute a quorum, and all vacancies on said Board shall be filled by appointment for unexpired terms by the Governor.

(e) The Board shall appoint an Executive Secretary, who shall be the secretary and administrative officer of the Board; shall appoint such other employees as it deems necessary and fix the compensation of all employees; shall require such employees as it thinks proper to execute bonds for the faithful performance of their duties, paying the cost of such bonds from the expense funds under control of said Board; shall establish a system of accounting, and shall do all things, take all actions and make all rules and regulations, not inconsistent with the provisions of this Act, that it deems necessary or proper in order to carry out the provisions of this Act.

(f) All employees of said Board shall serve during its will and pleasure.

(g) The Attorney General, or an Assistant designated by him, shall act as legal adviser and attorney for the Board.

(h) The Board shall prepare and publish, in pamphlet form, an annual financial report showing all receipts, disbursements, assets and liabilities. All of its proceedings and records shall be open for inspection by the public.

Sec. 4. ACTUARIAL EVALUATION.

As soon as practicable, after its organization, the Board shall cause an investigation to be made of the mortality, service and salary experience of Department employees on the basis of which it shall adopt such mortality and service tables for Department employees as are necessary for the administration and continuance of the Retirement System. Separate tables may be adopted for the two sexes. On the basis of such tables the Board shall prescribe the rates of contributions and benefits payable pursuant to the provisions of this Act. In computing benefits for prior service, however, the Board may establish lesser benefits than for current service, basing its computations on the con-

tributions which it anticipates will be paid by the employer over a period of years; it is intended that the employer's prior service obligations under this Act shall be met gradually over a period of years.

At least once in each five year period, after the establishment of the Retirement System, the Board shall cause an actuarial investigation to be made of the mortality, service and salary experience of the members of the Retirement System and an evaluation of the funds under its control. Pursuant to such investigations and evaluations the Board shall, from time to time, revise the mortality and service tables and the rates of contributions prescribed pursuant thereto; provided, however, that no change in the rates contributions to be made by the employees shall be made more than once in each two year period.

Sec. 5. MEDICAL PANEL.

(a) The Board shall appoint a Medical Panel of three physicians not eligible to participate in the Retirement System. The initial terms of the service of the first three physicians appointed shall be two, three and four years respectively, as designated by the Board, and thereafter each such physician shall be appointed for a term of four years, except that appointment to fill a vacancy shall be for the unexpired term. The Board may remove any member of the Medical Panel at its pleasure. The members of the Medical Panel shall receive such compensation as may be fixed by the Board.

(b) The Medical Panel shall pass upon all medical examinations required by the Board, shall investigate all health and medical statements and certificates by or on behalf of a member in connection with disability retirement, and shall report in writing to the Board its conclusion and recommendations upon all matters referred to it.

Sec. 6. MEMBERSHIP.

(a) The following shall be eligible for membership in the Retirement System:

(1) All persons who become employees or who reenter service after the date of establishment of the Retirement System.

(2) All persons who are employees upon the date of the establishment of the Retirement System.

(3) All persons on leave from the service of the Department to enter services in the armed forces of the United States and return to employment of the Department.

(4) Employees of the Retirement Office Staff.

(b) Any person with or without prior service, who becomes an employee after June 30, 1950, and is eligible for membership, shall become a member of the Retirement System. This is a condition of his re-employment or employment if he is eligible under the regulations of the Board.

(c) Any person who is an employee of the Department, having prior service upon the date of the establishment of the Retirement System within the period of thirty days next succeeding such establishment, and any person having prior service on leave from the service of the Department, within thirty days next succeeding the termination of such leave, may file with the Board, on forms prescribed by it, a notice of his election not to be included in the membership of the Retirement System, and, in such cases, the Board shall exclude him from membership. Any employee so excluded, however, may thereafter become a member by making application for membership to the Board, but no such employee shall receive any prior service credit.

(d) County engineers of counties the fiscal courts of which have approved their liability for prior and current service contributions, may elect to become members of the system.

(e) The membership of an employee in the Retirement System shall cease upon the withdrawal by the member of his accumulative contributions, or upon retirement, or upon death.

Sec. 7. CERTAIN STATEMENTS TO BE FILED.

(a) Under rules and regulations as may be adopted by the Board each employee upon becoming a member, or someone on his behalf, shall file with the Board, in such form as the Board may prescribe, a statement of all prior service rendered and claimed, and such other information as the Board may require.

Until such statement is filed no member, or his beneficiary, shall be eligible to receive any benefits under this Act.

(b) The Board shall determine, by appropriate rules and regulations, how much service in any year is the equivalent of a year of service, but in no case shall it allow credit for more than one year of service for all service rendered in any period of twelve consecutive months.

(c) Subject to the above restrictions, and to such other rules and regulations as may be prescribed by the Board, the Board shall ascertain, as soon as practicable after said statement is filed, the amount of prior service, if any, to which each member is entitled and shall issue to such member a prior service certificate certifying the length of service rendered by him. Any period or periods during which any such member has been on leave from service, without compensation for service, shall not be counted in his prior service credit.

(d) When membership ceases, such certificate shall become void. Should the employee again become a member, such employee shall enter the service as an employee not entitled to prior service credit.

Sec. 8. DUTIES OF DEPARTMENT HEAD.

The head of the Department shall make a thorough study of his Department, and by July 1, 1952, shall certify to the Board a complete record of each and every employee in the Department, showing the full name, address, date of birth, male or female, occupation or rating, salary, when employed and re-employed and all other information required by the Board relative to all employees who may be entitled to a prior service certificate. The Board may require additional information from time to time.

Upon employment of an employee to whom this Act shall apply he shall be informed by his appointing authority, of his duties and obligations in connection with the Retirement System as a condition of his employment. Every employee accepting employment after June 30, 1952, shall be deemed to consent and agree to any deductions from his compensation required by this Act and to all other provisions thereof.

Sec. 9. RETIREMENT AFTER SERVICE AND DEATH BENEFIT.

After January 1, 1953, any member may retire from service upon giving the Board thirty days written notice of his desire to retire, provided such member has attained 65 years of age, and has complied with all other requirements for retirement; provided such member has attained 60 years of age, has a total of current service and certified prior service amounting to thirty years and has complied with all other requirements for retirement. Such member may be separated from service or discharged during said thirty days notice period, but such separation or discharge shall not prevent him from receiving a retirement allowance under this Act.

After January 1, 1953, any member who attains or has attained 70 years of age shall be retired, providing that at the request of his appointing authority he may remain in service until the last day of the fiscal year during which he attains 70 years of age, or in the event that he has attained 70 years of age prior to the effective date of this Act, until the end of the fiscal year ending in 1953. Provided, however, that in special cases until January 1, 1957, with the approval of the Board and the head of the Department and at the request of the member, any member who has attained or shall attain the age of 70 years may be continued in service for a period of two years following each such request.

Notwithstanding any other provision of this chapter, any member who separates from service prior to retirement after having been a member and having made his contributions for 12 months or more may, within 30 days following his separation from service, by filing written notice with the Board, choose one of the following options:

OPTION 1. Withdraw without interest the funds he has contributed.

OPTION 2. Leave his contributions in the fund and accept an actuarially determined pension, based on the amount of his contributions, when he reaches the earliest age for optional retirement, understanding, however, that in the event of his death

prior to attainment of this age the amount of his contributions, without interest, is to be paid to his designated beneficiary or beneficiaries.

OPTION 3. Continue making contributions at his regular rate, plus the amounts the State would have contributed had he remained an employee, until he reaches the earliest age for optional retirements, at which time he is to share in full benefits actuarially determined by the amount in his account, provided, however, that in the event of his death prior to attainment of retirement age the full amount that he has contributed, without interest, is to be paid to his designated beneficiary or beneficiaries. In the event this option is chosen he may, at any time on 30 days written notice, renounce this option and elect to choose either Option 1 or Option 2, but having done so his choice remains finals. Also, if he chooses Option 3 and later becomes an employee of the State in a capacity that would qualify him for membership in this retirement system, he may resume full membership with all the benefits and privileges thereof and shall only be responsible for employee contributions, the State assuming the employer contributions beginning at the time of his re-employment and continuing so long as he shall remain an employee.

Upon retirement, as provided in this Section, a member shall receive during the remainder of his life an annual retirement allowance, payable monthly in equal installments, in an amount equal to 1/60 of his average annual salary, based on his last five years of employment, multiplied by his number of years of total service, including both current and prior service. His last fraction of a years service, if any, is to be counted as a full years service in determining his total number of years service. The exceptions to this method of determining retirement benefits are when Options 2 or 3 of this Section are chosen by a person who has separated from State service. In all cases where any member's compensation has included maintenance or housing, the Board shall fix the value of the same in money and add it to the compensation paid in money when determining such member's average compensation.

No member shall be granted retirement allowance in excess of $2400.00 per year.

The member, at the time of retirement, may choose one of the following options:

OPTION A. A straight life annuity, calculated as previously set forth in this section by multiplying 1/60 of his average annual salary by his total years of service. This annuity is to be cancelled at his death.

OPTION B. A reduced annuity, actuarially determined permitting the payment of any allowance left in his account at the time of his death to a named beneficiary.

OPTION C. A reduced annuity, actuarially determined, permitting payments both during his lifetime and during the lifetime of his surviving dependent beneficiary.

OPTION D. A reduced annuity, actuarially determined, permitting payments during his lifetime with payments of 1/2 the reduced annuity during the lifetime of his surviving dependent beneficiary.

Sec. 10. DISABILITY RETIREMENT.

(a) After January 1, 1953, any member who has five or more years of service, including prior service, upon the application of the head of the Department, or upon his own application, with the approval of the head of the Department, within not less than thirty nor more than ninety days next following the date of filing such application, may retire on a disability retirement allowance, provided that the Medical Panel, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for further performance of duty, and that such incapacity is likely to be permanent, and that such member should be retired.

(b) The Board shall determine whether the disability is Duty Acquired Disability or Ordinary Disability. Upon retirement on account of Duty Acquired Disability a member shall receive an annual disability retirement allowance, payable monthly in equal installments, in an amount equal to 1/60 of his average annual salary, based on his last five years of employment, multiplied by his number of years of total service, including both prior and current service. His last fraction of a years service, if

any, is to be counted as a full years service in determining his total number of years service. Upon retirement on account of Ordinary Disability a member shall receive 90 per centum of 1/60 of his average annual salary, based on his last five years of employment, multiplied by his number of years of total service as stated in the preceding sentence. No member eligible for a retirement allowance shall be eligible for a disability retirement allowance. No person shall be granted a disability retirement allowance in excess of $2400.00 per year.

(c) All persons granted a disability retirement allowance shall undergo such examination from time to time, as the Board of Medical Panel may designate and any disability beneficiary who has not yet attained the age of 65, or who has not yet attained the age of 60 and also possesses a total service record of 30 years, who refuses to submit to such examination, shall forfeit his right to draw any retirement allowance and the same shall be discontinued. A member retired on a disability retirement allowance shall submit to the Board for such period as the Board may require, sworn statements of all income for labor, services or employment performed by such member during the time of said member's disability retirement.

(d) Whenever the Board shall find that any disability beneficiary is engaged in or is able to engage in gainful occupation or work, or is receiving Workmen's Compensation for permanent disability, or both, paying more than the difference between his disability retirement allowance and his average annual salary as determined when he was retired, the Board shall reduce his disability retirement allowance so that such allowance plus the amount earned by him equals the amount of three-fourths of his average annual salary. Should the earning capacity of any beneficiary be changed the Board may further modify the amount of his disability retirement allowance so as to prevent such allowance plus the amount earned by the beneficiary from exceeding three-fourths of the amount of his average annual salary. A beneficiary restored to active service, at a salary less than the average annual salary upon the basis of which he was retired, shall not be deprived of that portion of his disability allowance which, plus his new salary, equals his average annual salary upon the basis of which he was retired. If and when

his new salary is increased to an amount equal to or greater than the average annual salary upon the basis of which he was retired, then all disability allowances shall cease and he shall again become a member of the Retirement System, and shall contribute thereafter at the rate then in effect. In computing the service time of such restored member no credit shall be allowed for the time during which he was paid a disability service allowance.

(e) Should a disability beneficiary, under his minimum service retirement age, be restored to a service at a salary equal to or greater than his average compensation upon the basis of which he was retired, his disability retirement allowance shall cease and he shall again become a member of the Retirement System, and shall contribute thereafter at the rate then in effect. In computing the service time of such restored member no credit shall be allowed for the time during which he was paid a disability service allowance.

Sec. 11. WITHDRAWAL BEFORE RETIREMENT. FORFEITURE OF CONTRIBUTIONS AND DEATH BENEFIT.

Should a member of twelve months or more standing cease to be an employee before being eligible for retirement as set out in Section 9 of this Act, otherwise than by death or by retirement under the provisions of this Act, he may, upon written application within 30 days of the time of separation from employment, choose one of the Options for disposition of his contributions as set out in Section 9 of this Act. In the event that he fails to file with the Board or its authorized agent or agents such written request and choice of Option, his account will be closed and all funds remaining therein will be credited to the general Retirement System fund. Should a member die at any time before retirement the amount of his contributions, without interest, shall be paid to such beneficiary, if any, as he shall have nominated by written designation, signed and acknowledged by such member before some person authorized to take acknowledgments, and filed with the Board; otherwise to his executor or administrator. Any beneficiary so designated may be changed by written designation, signed, acknowledged, and filed as aforesaid.

Sec. 12. EMPLOYEE CONTRIBUTIONS—PAYROLL DEDUCTIONS.

(a) The employee's fund shall be a fund to which shall be credited all contributions made by members under the provisions of this section and from which after January 1, 1953, shall be paid a portion of the retirement allowance provided for in this Act.

(b) Upon the basis of such tables as may be adopted, in accordance with Section 4 of this Act, the Board shall determine the proportion of percentage of the compensation for current service of all members required for the payment of that part of the retirement allowance which the Board shall determine shall be paid from the employees' fund, which proportion or percentage shall be deducted from each payment of each member's compensation. No deduction shall be made from employee's compensation for "Prior Service." Until January 1, 1953, the rate of such contribution shall be three and one-half per centum of each member's compensation.

(c) The Board shall certify to the Commissioner of Finance and Department in case of all Department employees paid by warrants on the State Treasurer, the proportion or per centum to be deducted from the compensation of each member, and the Commissioner of Finance or, Department, as the case may be, shall cause to be deducted from the salary of each member on each and every payroll for each and every payroll period the proportion of the member's compensation so certified. All sums so deducted shall be deposited with the State Treasurer, in the manner prescribed by law, to the credit of the employees' fund.

(d) Each deduction provided for in this section shall be credited, together with interest thereon, at the rate established under Section 11, to the individual account of the member from whose compensation the deduction was made. The total of all amounts deducted, with interest, shall be known as the member's "Employee's Accumulated Contributions."

(e) In determining the amount earned by a member in a payroll period the Board may consider the rate of compensation payable to such member on the first day of the payroll period as

continuing throughout such payroll period, or it may omit deductions from compensation for any period less that a full payroll period if an employee was not a member on the first day of the payroll period and, to facilitate the making of deductions, it may modify the deduction required as to any member by an amount which shall not exceed one-tenth of one percentum of the annual salary from which said deduction is to be made.

(f) The deduction provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein; and payment of salary or compensation, less said deductions, shall be a full and complete discharge of all claims for service rendered by such person during the period covered by such payments, except as to benefits provided by this Act.

(g) Any employee who qualifies for membership in the Retirement System under Section 6 (c) of this Act may elect, on or after July 1, 1952, to become a member of the system, at which time payroll deductions shall begin, such contributions to be credited to such member's account.

Sec. 13. EMPLOYER'S CONTRIBUTION.

(a) Effective July 1, 1952, there shall be paid into the employer's fund, by the employer, an amount equal to such contributions of all members as may be established under Section 12 of this Act. Effective July 1, 1952, the employer's contributions shall be actuarially determined, based on meeting all pension liabilities that accrue in any given year. The rate of the employer's contributions may be varied administratively from year to year as liabilities increase or decrease. Prior service benefits are to be paid in so far as possible by using any excess amounts left after current service liabilities are met, but if and when necessary the employer shall supplement the fund with sufficient contributions to meet all existing liabilities.

Sec. 14. EXPENSE FUND.

The expense fund shall be the fund from which shall be paid all costs of administering this Act, and shall be paid by the

Department. The Board shall notify the Head of the Department, prior to July 1, 1952, and prior to July 1st for each year thereafter, of the amount required for carrying out the administration of this Act and the Department is authorized and shall make available to the Board for the Expense Fund such funds as may be necessary for the administration of the Retirement System. For the purpose of originating the Retirement System the Board is authorized, beginning with the effective date of this Act, to incur any necessary expenses and charge same to said Expense Funds and the State Treasurer is authorized to pay such expenses from the Road Fund.

Sec. 15. MANAGEMENT OF FUNDS.

(a) The Board shall be the trustee of the several funds created by this Act and shall have full power to disburse, to invest and to re-invest all funds, except the expense fund, subject to the limitation that no investment shall be made except upon the exercise of bona fide discretion, and in securities which at the time of making the investment are, by statute, permitted for the investment of reserves of domestic life insurance companies. Subject to such limitations, the Board shall have full power to hold, purchase, sell, assign, transfer, or dispose of any of the securities or investments in which any of the funds created herein have been or may be invested, as well as of the proceeds of such investments and any monies belonging to said funds.

(b) The State Treasurer shall be the custodian of the several trust funds of the Retirement System. All payments authorized by the Board from said funds shall be made by him on warrant, or vouchers issued and signed by such person as is designated by the Board. A duly attested copy of a resolution of the Board designating such person and bearing on its face the specimen signature of such person shall be filed with the Commissioner of Finance as his authority for issuing warrants upon such vouchers.

(c) The Board shall allow the funds of the Retirement System regular interest, with the exception of the expense fund, from the interest and dividends earned from investments.

(d) The regular interest shall be at such rate, compounded

annually, as shall be determined by the Board on the basis of the interest earnings of the Retirement System for the preceding year and of the probable earnings to be made, in the judgment of the Board, during the immediate future, and during the first year of operation of the Retirement System one per centum shall be treated as the regular interest rate.

(e) No member of the Board and no employee of the Board shall have an interest direct or indirect, in the gains or profits of any investment made by the Board save insofar as any such member may be a member or beneficiary of the Retirement System, and no member of the Board shall receive, directly or indirectly, any pay or emolument for his services except as expressly provided in this Act. No member of the Board or employee thereof shall, directly or indirectly, for himself or as an agent, in any manner use the funds or deposits of the Retirement System, except to make such payments therefrom as are authorized by the Board, nor shall any member or employee of the Board become an endorser or surety or in any manner an obligor for monies loaned by or borrowed from the Board.

(f) For the purpose of meeting disbursements for retirement allowances and other payments there may be kept available sufficient cash. The State Treasurer shall be responsible on his official bond for all cash and securities in his custody.

Sec. 16. INFORMATION FOR GENERAL ASSEMBLY.

(a) At least thirty days prior to each regular session of the General Assembly the Board shall certify to the Governor the estimated amounts the Department will have to make available in order to meet the provisions of this Act during the biennium next following. The amounts so ascertained shall be included in the appropriation bill for the Department and the Commissioner of Finance shall make said funds available to the Board as set out in Section 13 of this Act.

Sec. 17. APPROPRIATION OF FUNDS.

The Department is authorized to make available, for the biennium beginning July 1, 1952, and for each succeeding

biennium, such funds as are necessary to meet the provisions of this Act, and such funds are hereby appropriated out of the State Road Fund for the biennium July 1, 1952, through June 30, 1954, to be allocated out of funds already appropriated to the Department of Highways.

Sec. 18. PROTECTION AGAINST FRAUD.

Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the Retirement System, or who shall attempt to defraud such system, shall, upon conviction thereof, be fined not more than $1,000.00, or imprisoned for not more than two years, or both.

Sec. 19. CHANGE OR ERRORS IN RECORDS.

Should any change or errors in records result in any member or beneficiary receiving from the Retirement System more or less than he would have been entitled to receive had the records been correct, then on discovery of any such error the Board shall correct the same and, as far as practicable, shall adjust the payments in such a manner that the benefits to which such member or beneficiary was correctly entitled shall be paid.

Sec. 20. EXEMPTION OF FUNDS FROM TAXATION, EXECUTION AND ASSIGNMENT.

All retirement allowances and other benefits accrued or accruing to any person under the provisions of this Act, and the accumulated contributions and cash securities in the fund created under this Act, are hereby exempted from any State, County, or Municipal Tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any Court.

Sec. 21. PROVISIONS OF ACT SUBJECT TO AMENDMENT OR REPEAL.

Every provision of this Act shall be subject to amendment or repeal by any future session of the General Assembly, provided that no such amendment or repeal shall diminish or annul, in

any respect, any right acquired by a member or beneficiary under the provisions of this Act or with respect to any fund derived from contributions made by members of the Retirement System after its date of establishment.

Sec. 22. SECTIONS DECLARED UNCONSTITUTIONAL: OTHER LAWS IN CONFLICT.

If any Section or part of any Section of this Act is declared unconstitutional the remainder of this Act shall not thereby be invalidated. All provisions of the law inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

By Senator Stapelton.

S. B. No. 3. AN ACT to repeal, amend and reenact Section 95.768, Kentucky Revised Statutes, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 95.768, Kentucky Revised Statutes, 1946 Edition be, and the same is now repealed, amended and re-enacted.

2. The Police and Firemen's Pension Fund in Cities of the Fourth Class shall consist of (a) the proceeds of an annual tax, which may be levied by the City Legislative Body, of not more than three cents on each hundred dollars in value of taxable property, (b) all rewards, fees, gifts or emoluments paid or given on account of extraordinary service of any member of the police or fire department; (c) assessments, which the Board of Trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than three and one-half percent of his salary, to be held from the monthly salary and paid by the City Treasurer into the Pension Fund.

3. Said fund shall be for the pensioning of any policeman or fireman who has served in the Police or Fire Departments for

at least a period of twenty years or more, providing that applicant has reached his fifty-first birthday, and all members of the police and fire departments shall be entitled to be credited with the services rendered continuously prior to the adoption ordinance under the provisions of Section 95.761, Kentucky Revised Statutes, by said City, to the eligibility of the twenty year or more, period for pension, not less than three, nor to exceed fifteen years of previous service, and for the further purpose of pensioning any member of the Police or Fire Department who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under fourteen (14) years of age, or either of them, of any member of said departments who may lose his life while in the service and on active duty. The payments made under the provisions of this Section shall constitute and be kept as a fund to be called the "Policemen's and Firemen's Pension Fund," and the Board of Trustees of the Policemen's Pension Fund, are declared to be the trustees of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

All laws, or parts of laws, in conflict herewith are repealed.

By Senator Warinner.

S. B. No. 4. AN ACT relating to bribery or attempted bribery, of participant, player, etc., in any sporting event, race, contest or exhibition, and amending Chapter 432 of the Kentucky Revised Statutes (Offenses against the state and public justice) by including three new sections.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Bribery of participant, player, etc., in any sporting event, race, contest or exhibition—Penalty.

(1) Whoever gives, or offers or promises to give, or attempts to give or offer any money, bribe or thing of value to or

on behalf of any participant, jockey, or player in any sporting event, race, contest, or exhibition of any kind whatsoever or to any person who is, or will be, umpiring, managing, directing, refereeing, supervising, judging, or presiding or officiating at any sporting event, race, contest, or exhibition of any kind whatsoever where admission is charged, with the intention or understanding or agreement that such participant, jockey, or player will not use his best efforts to win such sporting event, race, contest, or exhibition, or will so conduct himself that any other participant, jockey, player, or team will thereby be assisted or enabled to win such sporting event, race, contest, or exhibition; or in exchange for such consideration other than salary and wages that such participant, jockey, or player will so conduct himself as to limit his or his team's scoring or margin of victory in such sporting event, race, contest or exhibition; or with the intention or understanding or agreement that such person will corruptly or dishonestly umpire, manage, direct, referee, supervise, judge, or preside or officiate at any such sporting event, race, contest or exhibition, so as to affect or influence the result thereof, is punishable by imprisonment in the penitentiary for not less than one year nor more than five years, or by a fine of not less than $1000 nor more than $5000, or both.

(2) Acceptance of bribe by participant, player, etc., in any sporting event, race, contest or exhibition—Penalty—Barring from sports.

Whoever accepts, or attempts or offers or agrees to accept, any money, bribe, or thing of value, with the intention or understanding or agreement that he will not use his best efforts to win any sporting event, race, contest, or exhibition of any kind whatsoever where admission is charged, in which he is, or will be, participating, riding, or playing; or with the intention or understanding or agreement to so conduct himself in such sporting event, race, contest, or exhibition that any other participant, jockey, player, or team will thereby be assisted or enabled to win such sporting event, race, contest, or exhibition; or in exchange for such consideration other than salary or wages that he will so conduct himself as to limit his or his team's scoring or margin of victory in such sporting event, race, contest or exhibition; or with the intention or understanding or agreement that he will, as um-

pire, manager, director, referee, supervisor, judge, or presiding officer or official, corruptly conduct himself, or corruptly umpire, manage, direct, referee, supervise, judge, preside, or officiate at such sporting event, race, contest, or exhibition, with the intention or purpose that the result thereof will be affected or influenced thereby, is punishable by imprisonment in the penitentiary for not less than one year nor more than five years, or by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000), or both. In addition to the foregoing penalties any such participant violating this Section shall be forever barred in this state from participating in and from otherwise being directly or indirectly identified with any contest of skill, speed, strength or endurance of many or beast for which admission is charged.

(3) Participant failing to make known offer of bribe —Penalty—Barring from sports.

Any such participant corruptly given, offered or promised any gift or gratuity for the purpose of influencing him to refrain from exerting his full degree of skill, speed, strength or endurance in any such contest who shall wilfully fail to forthwith make known such facts as to his employer, if he is employed as such participant, or to his manager, director or coach, if not so employed, shall be deemed guilty of a misdemeanor and punished by imprisonment for a period of not less than 90 days nor more than one year and by a fine of not less than $100 nor more than $1,000, and in addition thereto shall be forever barred in this state from participating in and from otherwise being directly or indirectly identified with any contest of skill, speed, strength or endurance of many or beast for which admission is charged.

By Senator Warinner.

S. B. No. 5. AN ACT relating to the conduct of schools, amending Section 158.110 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 158.110 of the Kentucky Revised Statutes, 1948 edition, relating to the transportation of pupils is hereby amended

and reenacted so that as so amended and reenacted same shall read as follows:

(1) Boards of education shall furnish transportation from their general funds or otherwise for pupils of elementary grade who do not reside within reasonable walking distance of the school provided for them, and any board of education may provide transportation from its general funds or otherwise for any pupil of any grade who does not live within a reasonable walk-distance from the school provided for him.

(2) Boards of education shall make the necessary arrangements and furnish proper transportation to the State Capitol at Frankfort and return to any and all high school students under their jurisdiction so as to enable said students to see the State Senate and House of Representatives in session sometime during their high school training. Each high school student is to be furnished free transportation to the State Capitol sometime during his high school training and at a time when he can see the State Senate and House of Representatives in session.

(3) The boards of education shall adopt such rules and regulations as will insure the comfort, health and safety of the children who are transported, consistent with the rules and regulations of the State Board of Education dealing with the transportation of pupils.

S. B. No. 6. AN ACT relating to offenses against property by fraud, amending Section 434.070 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 434.070 of the Kentucky Revised Statutes, 1948 edition, is amended to read as follows:

Making or delivering check, draft or order not backed by sufficient funds; presumption of fraud.

(1) Any person who with intent to defraud makes, draws, utters or delivers any check, draft or order for the payment of

money upon any bank or depository, knowing at the time of the making, drawing, uttering or delivery that the maker or drawer has not sufficient funds in or credit with the bank or other depository for the payment of the check, draft or order in full upon its presentation; or who, after having made, drawn, uttered or delivered any check, draft or other order for the payment of money upon any bank or other depository, withdraws or causes to be withdrawn the money or any part of the money to the credit of the maker of the draft, check or other order for the payment of money, without leaving with the bank or other depository a sum sufficient to cover the check, draft or other order for the payment of money, shall if the amount of the check, draft or order is under five dollars, be fined not more than one hundred dollars, or imprisoned for not less than one nor more than ninety days, or both. If the amount of the check, draft or order is for five dollars or over, he shall be confined in the penitentiary for not less than one year nor more than two years.

(2) The making, drawing, uttering or delivering of a check, draft or order described in subsection (1) of this section shall be prima facie evidence of intent to defraud.

(3) Any giving of a check in payment of an account shall be deemed a violation of this section and punishable as provided herein.

By Senator Warriner.

S. B. No. 7. AN ACT relating to marriage licenses, amending Section 402.080 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 402.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) No marriage shall be solemnized without a license therefor. The license shall be issued by the clerk of the county in which the female resides at the time, unless the female is of full age or a widow, and the license is issued on her application

in person or by writing signed by her, in which case it may be issued by any county clerk.

(2) When both applicants are under twenty-one years of age, no county clerk shall issue a marriage license until the application for the marriage license remains on file, open to the public, in the office of the county court clerk, for three days before the license is issued.

By Senator Warriner.

S. B. No. 8. AN ACT relating to Public Assistance, amending Section 205.010; subsection (1) of Section 205.200, and subsection (1) of Section 205.220 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the Congress of the United States, in recognizing the needy circumstances of many of our permanently and totally disabled citizens and of the inability of our states and their political subdivisions to help provide them with a subsistence compatible with decency and health, passed legislation approved August 28, 1950, Public Law 734, 81st Congress, amending the Social Security Act, authorizing and directing the payment of Federal grants to the states when the states submit plans that meet with the approval of the Administrator, Social Security Administration as required under this new law.

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.010 of the Kentucky Revised Statutes relating to public assistance program in this Commonwealth, 1948 edition & 1950 Legislative Supplement, is hereby amended and reenacted so that as so amended and reenacted same shall read as follows:

(1) Definitions, as used in KRS 205.160 to 205.250, unless the context requires otherwise:

(a) "Department" means the Department of Economic Security;

(b) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(c) "Division" means the Division of Public Assistance in the Department of Economic Security;

(d) "Public assistance" means money grants, assistance in kind or services to or for the benefit of needy aged or needy children or needy blind or needy permanently and totally disabled 18 years of age and over;

(e) "Needy child" means a child under the age of eighteen who has been deprived of parental support by reason of the death, absence or incapacity of a parent, and who is unable to provide for him and who does not otherwise have provided for him a subsistence compatible with decency and health;

(f) "Parent", in addition to natural or adopted parent, shall include step-parent;

(g) "Needy aged" means a person who has attained the age of sixty-five and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(h) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(i) "Needy permanently and totally disabled" means a person who has attained the age of eighteen and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health.

(2) That the Department of Economic Security be designated as the state agency to supervise and direct the administration of the state program to provide public assistance to the needy permanently and totally disabled citizens eighteen years of age and over, and that this program shall be operated in conjunction with the other public assistance programs under the direction and supervision of the Department of Economic Security.

(a) That the Commissioner, Department of Economic Security, or his duly authorized representative, is directed and authorized to formulate a 'State Plan' for providing public assistance to needy permanently and totally disabled citizens in this Commonwealth as will meet with the approval of the Administrator, Social Security Administration, as required under Part Five, Public Law 734, 81st Congress, and this 'State Plan' is to be formulated and submitted without delay to the Administrator, Social Security Administration for his approval.

Subsection (1) of Section 205.200 of the Kentucky Revised Statutes is amneded to read as follows:

(1) Subject to the other provisions of this section, a needy aged person, a needy blind person, a needy child, or a needy permanently and totally disabled person eighteen years of age and over shall be eligible to receive a public assistance grant if:

(a) He has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation;

(b) He is a resident of this state at the time of receiving aid, and has been a resident of this state for such period of time prior thereto as is prescribed by regulations; and

(c) He is not at the time of receiving public assistance, an inmate of any public institution which provides shelter, custody or care and is the responsibility of or administered by a governmental unit, except for temporary medical or surgical care in a hospital; Provided, that no individual shall be eligible to receive public assistance under KRS 205.160 to 205.250 under more than one category of public assistance for the same period of time.

Subsection (1) of Section 205.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Payments of public assistance grants for eligible individuals shall be made at the time and in the manner prescribed by regulations to:

(a) The needy aged or needy blind or needy permanently and totally disabled applicant or recipient; or

(b) The parent or relative with whom a needy child lives;

(c) The parent or legal guardian of a blind minor or a permanently and totally disabled person who has been adjudged incompetent to manage his own affairs; or

(d) The legal guardian of (a) or (b) above; or as may be prescribed by regulation.

By Senator Warinner.

S. B. No. 9. AN ACT to amend Section 145 of the Constitution of the Commonwealth of Kentucky relating to voting qualifications.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Upon the concurrence of three fifths of all the members elected to each House of the General Assembly, the ayes and nays being taken thereon and entered in full in their respective Journals, Section 145 of the Constitution of the Commonwealth of Kentucky is amended.

2. "145. QUALIFICATIONS OF VOTER. PERSONS DISFRANCHISED. Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elswhere; but the following persons are excepted and shall not have the right to vote.

"1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.

"2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

"3. Idiots and insane persons."

3. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution and under the Kentucky Statutes.

By Senator Van Hoose.

S. B. No. 10. AN ACT relating to the compensation of jury commissioners amending Section 29.060 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.060 of the Kentucky Revised Statutes is amended to read as follows:

Each jury commissioner shall receive for his services five dollars per day for the time actually engaged, the claim for which shall be certified by the judge appointing him and paid by the State Treasurer upon the warrant of the Department of Finance. The fiscal court of any county containing a city of the first class may supplement the compensation of the commissioners by allowing and paying to each commissioner not exceeding seven dollars per day for the time actually engaged.

Ordered that said bills be printed and referred.

Senator Moloney moved that the Senate operate under the rules of the 1950 Regular Session until other rules be adopted.

Said motion was agreed to.

Senator Moloney moved that the Senate do now recess under 1:30 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and called the Senate to order.

The Chief Clerk laid before the Senate the following com-

munication in writing which had been delivered to his desk for the Senate, which in words and figures is as follows, viz:

BEFORE THE SENATE OF THE COMMONWEALTH OF KENTUCKY

W. P. COX, ----------Contestant

VS: NOTICE OF CONTEST

THOMAS W. HINES, ----------Contestee

The Contestee, Thomas W. Hines, is hereby notified that the Contestant, W. P. Cox, who is sixty years of age and has been a citizen and resident of Edmonson County, Kentucky for more than sixty years next preceding November 6, 1951, will contest the election of the Contestee, Thomas W. Hines, to the office of State Senator for the 7th Senatorial District of the Commonwealth of Kentucky, comprised of the counties of Edmonson, Allen and Warren, before the Senate of the next General Assembly of the Commonwealth of Kentucky, to be convened as provided by law, in the city of Frankfort, on January 7, 1952, and before the Board of Contest to be selected and organized by the said Senate of the General Assembly for the purpose of determining the contest for State Senator for the 7th Senatorial District of the Commonwealth of Kentucky; and will then and there contest the right of the Contestee, Thomas W. Hines, to the office of State Senator for the 7th Senatorial District of the Commonwealth of Kentucky, by virtue of the election held in said senatorial district on the 6th day of November 1951, and the certificate of election granted unto the said Contestee, Thomas W. Hines, by the State Board of Election Commissioners of the Commonwealth of Kentucky on the 26th day of November, 1951; and will ask the Senate of said General Assembly to determine that the Contestant, W. P. Cox, was legally and rightfully elected State Senator for the 7th Senatorial District of the Commonwealth of Kentucky at said election and that the Contestee, Thomas W. Hines, was not rightfully or legally elected to said office; and that said Contestant, W. P. Cox, will then and there ask the Said Board of Contest and the said Senate of the said General Assembly of the Commonwealth of Kentucky to take such proceedings and orders in the matters of said contest as is required by law for his induction into said office.

For grounds of such contest, the Contestant says:

(1) The Board of Election Commissioners in each of said counties comprising said senatorial district in canvassing the returns of said election unlawfully counted, or permitted to be counted, as votes for the said Contestee numerous ballots voted for the Contestee, but which were not signed on the back by the Clerk and one of the Judges of the election for the respective precincts in which said ballots were respectively voted, and unlawfully counted and certified such ballots as lawful votes for the said Contestee.

(2) Numerous persons, who were unregistered and without legal qualifications to entitle them to vote, were unlawfully permitted to participate in said election and to vote in said election and cast their ballot for the Contestee, and such votes were unlawfully counted and certified as lawful votes for the Contestee.

(3) In Edmonson County, Kentucky, there were numerous absentee ballots unlawfully issued and voted for the Contestee in said election and such ballots were unlawfully counted and certified as lawful votes for the Contestee.

(4) The Board of Election Commissioners in each of the said counties comprising said senatorial district in the canvassing of the returns of said election unlawfully failed and refused to count and certify as votes for the Contestant many ballots which were voted for and constituted lawful votes for the contestant.

(5) The Board of Election Commissioners in each of the said counties comprising said senatorial district in the canvassing of the returns of said election unlawfully counted and certified as votes for the Contestee many ballots which were not voted for the Contestee and did not constitute lawful votes for the Contestee.

(6) In the conduct of said election persons, who were not qualified to act as election officers in said election, were unlawfully permitted to serve as election officers in many of the precincts in each of said counties.

(7) In the conduct of said election in said counties the voting place in certain precincts in each of said counties was

unlawfully changed from the place lawfully designated as the voting place in said precinct, and as a consequence various voters who would have voted for the Contestant were denied the right and privilege of voting in said election.

(8) In various precincts in each of the said counties no election booths were provided and the voters were unlawfully required to cast their vote in the open, and the voting at such precincts was not by secret ballot as required by law.

(9) The Board of Election Commissioners for Warren County certified that the Contestant received in said county only 3,991 votes, whereas, as a matter of fact, the Contestant in said county received not less than 4,400 legal votes, and that a recount of the ballots cast in said election in Warren County will establish that the Contestant in said election received at least 4,400 legal votes in Warren County and that the Contestee received at least 300 votes less than was actually certified by said Board of Election Commissioners of Warren County as having been received by him.

(10) The Contestant in his contest will request and move the Board of Contest of the Senate of the Commonwealth of Kentucky to cause a recount of the ballots cast in Warren, Edmonson, and Allen Counties and a correct determination of the legal votes received by Contestant and Contestee in said counties for said office.

(11) The Contestant at said election received a substantial majority of the legal votes cast at said election for the office of State Senator of the 7th Senatorial District.

The Contestant will, upon the grounds aforesaid, at the time and place and before the tribunals stated, contest the election of the said Contestee, Thomas W. Hines, to the office of State Senator for the 7th Senatorial District of the Commonwealth of Kentucky.

Given under my hand, on this the 7th day of December 1951.

W. P. Cox

The following notice appears on the face of this NOTICE OF CONTEST:

The within NOTICE OF CONTEST was this day executed upon Thomas W. Hines by delivering to him in person the true original copy of same.

This December 7, 1951.

Paul Hodge, Sheriff Warren County
W. W. Simpson, D. C.

The President of the Senate announced the following Senators as members constituting the Committee on Appropriations: Senator Alvin Kidwell, Chairman, Senator Louis Cox, Senator Stanley Hoffman, Senator Strother Melton, Senator R. P. Moloney, Senator Cortis Stacy, Senator Leon Shaikun, Senator J. E. Johnson, Senator Earl F. Martin, Senator Freeman L. Robinson and Senator Ollie W. Montgomery.

Senator Moloney moved that the Senate do now recess for 30 minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and called the Senate to order.

The Committee appointed by the President of the Senate to meet with the House Committee to inform the Governor that the House and Senate were organized and ready for business reported to the Clerk that they had complied with instructions given them by the President of the Senate.

Senator Moloney moved that further action on the contest case of Cox vs. Hines be postponed until Tuesday, January 15, 1952.

Said motion was agreed to.

The Clerk of the Senate read the following communication from the Governor, viz:

January 8, 1952

Lieutenant Governor Emerson Beauchamp
President of the Senate
Frankfort, Kentucky

Dear Governor Beauchamp:

The 1952 General Assembly having convened, it is requested that the Senate and the House of Representatives meet in joint session on Tuesday afternoon, January 15, 1952, for the purpose of hearing my report regarding the general status of State Government and my message on the fiscal operations of the Commonwealth for the coming biennium.

Your courtesies extended in this connection will be deeply appreciated.

Sincerely yours,

LAWRENCE W. WETHERBY
Governor

Senator Moloney moved that the Senate do now adopt Senate Resolution No. 3.

Said motion was agreed to.

And thereupon said resolution was adopted.

Senator Moloney moved that the Senate do now adjourn until 10 A.M., Wednesday, January 9.

Said motion was agreed to.

And then the Senate adjourned.

WEDNESDAY, JANUARY 9, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend William P. Wilhoyte, Minister of the Church of the Nazarene, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Leon Shaikum
Eugene H. Clark	James Lassiter	Paul Stapleton
Augustus Cornett	Homer E. Losey	Otis C. Thomas
Louis Cox	C. W. A. McCann	Wendell Van Hoose
Archie Craft	James R. Mansfield	Sylvester Wagner
Martin J. Duffy	Strother Melton	Ed P. Warriner
Ernest M. Ford	Richard P. Moloney	John M. Williams
Wayne Freeman	O. W. Montgomery	E. V. Withers
Julian Golden	Jack R. Reynolds	—32
Doug Hays	Freeman Robinson	
Stanley Hoffman		

The following Senators were absent—

James P. Hanratty	Bert Kiser	Clay Shackleford
Thomas Hines	Earl F. Martin	Cortis K. Stacy
		—6

Senator Montgomery moved that all absent members be granted leaves of absence.

Said motion was agreed to.

Senator Montgomery moved that the reading of the Journal for Tuesday, January 8, 1952, be dispensed with, and that the same be approved.

Said motion was agreed to.

Senator Moloney moved that the Senate rescind its action of January 8, 1952 postponing action on the contest case of Cox vs. Hines until Monday, January 14, 1952.

Said motion was agreed to.

Senator Moloney then moved that the Clerk do now proceed with the selection of a committee of nine (9) members in the manner required by law to hear the contest heretofore filed in the Senate by W. P. Cox, Contestant, vs. Thomas W. Hines,

Contestee, and that the Clerk be directed to select said committee by lot, as provided by law.

Said motion was agreed to.

The President of the Senate then announced that the Senate would proceed according to law and pursuant to the motion of Senator Moloney, to select by lot nine (9) of its members to constitute a board to determine the contest of W. P. Cox, Contestant, vs. Thomas W. Hines, Contestee, concerning the right to a seat in the Senate as Senator from the Counties of Edmonson, Allen and Warren.

The names of the members present were written on separate pieces of paper, rolled and placed in a box by the Clerk in the manner provided by law, who, after the same had been well shaken, drew the names of nine (9) members of the Senate therefrom, separately, which were opened and read aloud by the president of the Senate, viz:

Senators Reynolds, Kidwell, Duffy, Lassiter, Ford, Moloney, Martin, Wagner, Losey.

Whom the President of the Senate declared selected as members of said Committee.

A message was received from the House of Representatives announcing that they had concurred in Senate Resolution No. 3.

INTRODUCTION OF BILLS

By Senator Hays.

S. B. No. 11. AN ACT to amend Section 23.050, Kentucky Revised Statutes, 1950 Edition, in so far as it relates to the time of holding the terms of the Circuit Courts in the 36th Judicial District, composing the counties of Knott and Magoffin.

Said bill is as follows, viz:

WHEREAS, it has become necessary, due to the increased court business to change the times of holding Court in the 36th Judicial District in order to create a new term and extend the duration of the terms so as to keep up the work of the dockets in an orderly manner.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 23.050 (36) of Kentucky Revised Statutes, 1950 Edition, be and the same is amended with reference to the 36th Judicial District of Kentucky, and such section as amended shall read as follows:

(36) Thirty-sixth District. Knott County at Hindman, on the first Monday in February, twenty-four juridical days; on the third Monday in April, eighteen juridical days; on the fourth Monday in August, eighteen juridical days, and on the second Monday in November, 30 juridical days.

Magoffin County at Salyersville, on the second Monday in March, twenty-four juridical days; on the second Monday in June, eighteen juridical days, and on the fourth Monday in September, eighteen juridical days.

In order that no term of court in the 36th District as is now fixed by law may be interrupted or interfered with while in session, and so that it may be known well in advance when this said Act shall become effective, it is provided that this Act shall be in effect on and after the first day of November, 1952.

Ordered that said bill be printed and referred.

The President of the Senate directed the Clerk to read the following communication received by him, viz:

January 8, 1952

Committee on Committees,
State Senate,
Frankfort, Ky.

Gentlemen:—

Pursuant to your rules, I respectfully request press privileges of the Senate floor during the 1952 session for the following reporters of the Courier-Journal and Louisville Times:

For The Courier-Journal—Gerald Griffin, Vincent Crowdus, Hugh Morris and Allan M. Trout.

For the Louisville Times—Fritz Lord.

In addition, I request privilege of the floor for messenger service from time to time by Miss Anne Pardue, the secretary-teletypist of this bureau.

Yours very truly,

Allan M. Trout, chief,
The Courier-Journal Bureau
Frankfort, Kentucky.

Senator Kidwell announced that the Contest Committe would meet immediately after adjournment.

Senator Moloney moved that the Senate do now adjourn until Monday, January 14, 1952, at 8 P. M.

Said motion was agreed to.

And then the Senate adjourned.

MONDAY, JANUARY 14, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend H. Glenn Stephens, Pastor of the South Frankfort Presbyterian Church.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Jack R. Reynolds
Bernard J. Bonn	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	James Lassiter	Clay Shackleford
Louis Cox	Homer E. Losey	Leon Shaikun
Archie Craft	C. W. A. McCann	Cortis K. Stacy
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Maloney	John M. Williams
Thomas Hines	O. W. Montgomery	E. V. Withers

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The following Senators were absent—

James P. Hanratty	Bert Kiser	Otis C. Thomas	
Doug Hays	Paul Stapleton		—5

Senator Montgomery moved that the reading of the Journal for Wednesday, January 9, 1952, be dispensed with and that same be approved.

Said motion was agreed to.

Senator Montgomery moved that all absent members be granted leaves of absence.

Said motion was agreed to.

Senator Van Hoose then offered a resolution of the following title, viz:

S. Res. No. 4. A JOINT RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

Said resolution is as follows, viz:

WHEREAS, the general welfare of Eastern Kentucky is dependent upon the full scale operation of the coal industry in that section of the State, and

WHEREAS, all the people of the State of Kentucky benefit from the economic well-being of any of its sections, and

WHEREAS, the coal industry in the Big Sandy Valley of Eastern Kentucky is at a distinct disadvantage in competing with coal producing regions of some other states, which are able to ship their coal to market by river as well as other means of transportation, and

WHEREAS, widespread unemployment has developed in the Big Sandy Valley due to this situation, and

WHEREAS, the building of a series of locks and dams on the Big Sandy River would provide a new means of transportation for coal from that area, thereby putting the valley in an equal competitive situation with that of other areas, and

WHEREAS, the U. S. Corps of Engineers has recom-

mended the canalization of the Big Sandy River as being a project worthy of construction by the Federal Government:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby requested to appropriate funds to begin the construction of locks and dams on the Big Sandy River, so as to provide a stage of water which will make possible year-round transportation on that river. The Congress is requested to make such funds available immediately to the U. S. Corps of Engineers, so that construction of locks and dams can begin during the year 1953.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Paul J. Stapleton

S. B. No. 12. AN ACT relating to real estate brokers and salesmen.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (4) of Section 324.010 of the Kentucky Revised Statutes is hereby repealed.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof of such qualifications has been presented to the Commission.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

In addition to proof of honesty, truthfulness and good reputation of any applicant for a license, each applicant must

pass a written examination conducted by said Commission, or its authorized representative, which examination shall be of scope and wording sufficient in the judgment of the Commission to establish the competency and trustworthiness of the applicant to act as a real estate broker or salesman in such manner as to protect the interests of the public. Provided, however, no examination shall be required for the renewal of any present or future license unless such license has been revoked, suspended, or is allowed to expire without renewal. The Commission shall hold examinations at such times and places as it may determine, and an examination fee of twenty-five dollars shall be collected from each applicant to defray the expenses of holding such examinations.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

Every real estate broker licensed under this Act shall have and maintain a definite place of business in this state, except as hereinafter provided, and shall erect and maintain a sign in a conspicuous place on the premises at or near the outside entrance to his principal office and all branch offices. The sign shall indicate that he is a real estate broker and his name shall be clearly shown thereon. Such sign shall be written in clear and legible letters of not less than two inches in height and shall be placed so that it can easily be observed and read by anyone entering said place of business. Provided, however, that if the broker is a non-resident, it is not mandatory for him to maintain an active place of business in this state if he maintains such a business place in the state where he is originally licensed.

Section 5. Section 324.060 of the Kentucky Revised Statutes is amended to read as follows:

Every application for a broker's or salesman's license shall be accompanied by a bond in the sum of three thousand dollars. The bond shall be a cash bond or a surety bond and, if the latter, shall be executed by a surety company authorized to do business in this state and shall be made to the Commission, and the bond shall be conditioned that the applicant shall conduct his business in accordance with the provisions of this chapter. The bond shall be in a form approved by the Commission; and, in addition to

the foregoing, each and every broker and salesman licensed as of July 1, 1952, and thereafter, shall furnish bond in accordance with the provisions hereof.

By Senator Freeman.

S. B. No. 13. AN ACT concerning the practice of chiropody.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 311.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) The official examiners shall hold examinations of applicants for licenses to practice chiropody in this state semiannually at such times and places as the board shall fix, and shall admit to examination any applicant who:

(a) Is at least twenty-one years of age;

(b) Is a citizen of the United States and a resident of the State of Kentucky;

(c) Is of good moral character and temperate habits; and

(d) Has completed a course in and graduated from a school or college of chiropody approved by the board; and no school or college of chiropody shall be approved by the board unless it has a minimum requirement of a course of required study consistent with the approved schools of the Council of Education of the National Association of Chiropodists as recommended by the official examiners; but this last requirement shall not be applicable to veterans of the armed forces of the United States of America who graduated from a school or college of chiropody approved by the Federal Government and whose tuition for attending said school or college was paid for in whole or in part by the federal government.

(2) The examination shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, histology, pathology, dermatology, pedic-surgery, physio-therapy, diagnosis and treatment, materia medica and therapeutics, and other subjects as

these subjects relate to antiseptics and anaesthetics and clinical chiropody, but the examination shall be so limited in its scope as to cover only the minimum requirements for chiropody educations. All veterans of the armed forces of the United States of America shall be granted an additional credit of five points above their earned points in their examination upon each of the above subjects.

(3) Applicants for examination shall present their credentials to the board by mail upon forms furnished by the board, and shall receive due notice of the place and date of the examination. Each application shall contain proof of the qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by an examination fee of twenty-five dollars.

(4) The board shall issue a license to any person who complies with the provisions of KRS 311.380 to 311.520 and who satisfactorily passes the examination: And also to any person who tenders to the board his application for a license and a fee of twenty-five dollars and evidence by affidavit that he is of good moral character and was engaged in the practice of chiropody in Kentucky continuously for a period of five years immediately before March 25, 1948, the date this original act was approved, excluding from the period any time in which the applicant was engaged in the services of the military, naval, or air force of the United States during World War II.

By Senator Freeman.

S. B. No. 14. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.500 of the Kentucky Revised Statutes is amended to read as follows:

Any license issued under KRS 243.020 to 243.670 must be revoked or suspended for the following causes;

(1) Conviction of the licensee or his agent or employe for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) Violation of the provisions of KRS 243.670.

(4) If, within a period of two consecutive years there shall have been two or more convictions of any licensee or any of his clerks, servants, agents or employes for any violations of the terms and provisions of Chapter 241, 243, or 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employes shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof or any penalties imposed by or under the provisions of any statute, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by Federal or state regulations.

(7) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

Section 2. Whereas, the conducting of gambling operations in or upon premises licensed under the alcoholic beverage laws is of great detriment to the welfare and morals of the public, and promotes vice and crime, and authority to revoke the licenses for such cause is questionable under existing laws, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Senator McCann.

S. B. No. 15. AN ACT amending the law relating to holidays, so as to include as a holiday St. Patrick's Day (March 17).

Said bill is as follows, viz:

WHEREAS, Ireland, the Emerald Isle, is justly famed in history, story and song, and

WHEREAS, this great country has taken its rightful place in the nations of the world, and

WHEREAS, thousands of its fair daughters and noble sons came to the United States of America, contributing to its wealth of statemen, artists, singers, writers and pugilists, and

WHEREAS, the great St. Patrick, Patron Saint of Ireland is revered by those who appreciate Ireland, it is fitting and proper that his birthday be recognized as a public holiday.

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln Birthday), the 22nd day of February (Washington's Birthday), the 17th day of March (St. Patrick's Day), the 30th day of May (Memorial Day), the 3rd day of June (Confederate Memorial Day), the 4th day of July (Independence Day), the first Monday in September (Labor Day), the 12th day of October

(Columbus Day), the 11th day of November (Armistice Day), the 25th day of December (Christmas Day), of each year, and all days appointed by the President of the United States or by the Governor as days of thanksgivings, are holidays, on which all the public offices of this Commonwealth may be closed; and shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

Sec. 2. Whereas, a proper respect for the memory of St. Patrick requires that provisions be made immediately for perpetuating his memory, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Senator Blake.

S. B. No. 16. AN ACT to amend and re-enact Section 145 of the Constitution of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That upon the concurrence of three-fifths of all the members elected to each House of the General Assembly, the ayes and nays being taken thereon and entered in full in their respective journals, Section 145 of the Constitution of the Commonwealth of Kentucky be amended, extended and re-enacted so that as so amended, extended and reenacted it will read as follows:

Sec. 2. "145. QUALIFICATIONS OF VOTER. PERSONS DISFRANCHISED. Every citizen of the United States

of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days preceding the election, shall be a voter in said precinct and not elsewhere but the following persons are excepted and shall not have the right to vote.

"1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the general assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.

"2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

"3. Idiots and insane persons."

3. That this amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution and under the Kentucky Statutes.

By Senator Montgomery.

S. B. No. 17. AN ACT abolishing the position of deputy constable, except in counties containing a city of the first or second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 70.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The appointment of deputy constables shall be authorized only in counties containing a first or second class city. In such counties each constable may appoint one or more deputies by and with the consent of the county judge. The constable and his surety shall be liable on his bond for all the acts and omissions of his deputies. Deputy constables must be residents of the same district as the constable by whom they are appointed.

(2) Deputy constables may be removed at any time, for any cause deemed sufficient by the constable, by order of the county court, entered after the filing of a written direction by the constable.

(3) Each deputy constable appointed pursuant to this section shall be exclusively compensated for the performance of the duties of his office by a salary of $2100 per annum, to be paid in equal monthly installments out of the county treasury.

2. This Act shall take effect on January 1, 1954.

By Senator Van Hoose.

S. B. No. 18. AN ACT relating to mines and minerals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Article I.

Section 1. *Definitions.* (1) As used in this Act, unless the context requires otherwise:

(a) "Abandoned workings" means excavations, either caved or sealed, that are deserted and in which further mining is not intended, and open workings that are not ventilated and inspected regularly.

(b) "Active workings" means all places in a mine that are ventilated and inspected regularly.

(c) "Approved" means a device, apparatus, equipment, condition, method, or practice approved in writing by the chief.

(d) "Armored cable" means a cable provided with a wrapping of metal, usually steel wires or steel tape.

(e) "Blower fan" means a fan with tubing used to direct air to a working face.

(f) "Booster fan" means an underground fan installed for use in conjunction with a main fan to increase the volume of air in one or more circuits.

(g) "Chief" means Chief of the Department of Mines and Minerals.

(h) "Department" means the Department of Mines and Minerals.

(i) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress, and other purposes in connection with the mining of coal.

(j) "Gassy mine" means any mine that has been classed gassy by the department.

(k) "Ground" means a conducting connection between an electric circuit or equipment and earth or to some conducting body which serves in place of the earth.

(l) "Grounded" means connected to earth or to some conducting body which serves in place of the earth.

(m) "High-potential" means voltages in excess of 600 volts.

(n) "Interested persons" means members of the mine safety committee and other duly authorized representatives of the mine workers' organization having jurisdiction at the mine; Federal and state coal-mine inspectors; and, to the extent required by state law, any other person.

(o) "Mine" means any open cut or underground excavation from which coal is produced for sale, exchange, or commercial use. It includes any open cut or underground excavation operated by a public institution.

(p) "Mine foreman" means the person who the operator or superintendent places in charge of the workings of the mine and of persons employed therein, and is hereby designated as the responsible official underground.

(r) "Nongassy mine" means any mine not classed as a gassy mine.

(s) "Operator" means an individual, firm, or corporation operating a coal mine or any part thereof.

(t) "Permissible" means any equipment, device, or explosive that has been approved as such by the United States Bureau of Mines and meets all requirements in the applicable permissibility schedule.

(u) "Pure intake air" means air that has not passed through any active face workings or inactive workings or by the unsealed entrances to inactive workings, and that is free from poisonous gas, and by analysis contains not less than 20 percent oxygen and not over 0.05 percent of flammable gas.

(v) "Shaft" means a verticial opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation, drainage, or hoisting or lowering men, coal, or materials.

(w) "Slope" means an inclined opening used for the same purpose as a shaft.

(x) "Superintendent" means the person who, on behalf of the operator, has general supervision over one or more mines.

(y) "Tipple" means the structure where coal is dumped or unloaded from the mine-transporting medium into railroad cars, trucks, wagons, or other means of conveyance.

Section 2. *Functions and chief officer of department.* (1) The Department of Mines and Minerals shall be headed by the Chief of the Department of Mines and Minerals.

(2) The department shall administer all laws of this state relating to mines.

Section 3. *Hearings before department.* (1) The department may prescribe rules of procedure and for offering evidence in all matters brought before it, and shall prepare and, on request, furnish to applicants copies of forms of notices and other forms that the department requires to be used, and shall prescribe the manner of serving such notices.

(2) The department shall hold one or more hearings on each matter brought before it. All interested persons shall be given due notice and an opportunity to appear and offer evidence, and to make argument by counsel if desired. The department shall decide each matter in controversy in the manner that seems

to it just and reasonable and necessary or desirable for the proper enforcement of the provisions of this Act.

Section 4. *Action to vacate order of department; appeal.* (1) Any party in interest dissatisfied with an order of the department may commence an equitable action against the department and other interested parties, as defendants, to vacate or set aside, in whole or in part, any such order. The action may be brought in the circuit court of the county where the subject matter involved in the order, or the well or workable coal bed or part thereof, is located, or in any other court of competent jurisdiction. The court may grant relief from any unlawful or unreasonable order of the department, and render such judgment as appears to it to be equitable and just.

(2) The pendency of the action shall not of itself suspend the operation of the order of the department, but during the pendency of the action any party may secure from the court an order suspending or staying the operation of the order of the department by giving to the other parties adequate security, approved by the court, against loss due to the delay in enforcement of the order, in case the order under review is not set aside, and the court may, without security being given, suspend the operation of the order, in whole or in part, on such terms as it deems just and in accordance with the practice of courts of equity; provided, however, that the operation of an order pertaining to safety in coal mines shall not be suspended pending final decision of the court.

(3) Appeals may be taken to the Court of Appeals as in other cases.

Section 5. *Chief of department; appointment; term of office; oath; traveling expenses.* On July 13 of every fourth year, beginning with 1950, the Governor shall appoint a Chief of the Department of Mines and Minerals for a term of four years. The oath taken by the chief of the department shall be in writing and certified by the officer administering it, and the oath and certificate shall be filed in the office of the Secretary of State. In addition to the salary, the chief shall be paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties.

Section 6. *Qualifications of chief.* (1) The Chief of the Department of Mines and Minerals shall be a male citizen of Kentucky with at least fifteen years' mining experience, ten years of which shall have been underground in coal mines of this state. He shall be thoroughly familiar with all methods of safety pertaining to the operation of mines.

(2) The chief shall have a practical knowledge of:

(a) The different systems of working and ventilating coal mines.

(b) The nature, chemistry, and properties of noxious, poisonous, and explosive gases, the dangers due to such gases, and methods for their detection and control.

(c) The dangers incident to blasting and the prevention of such dangers.

(d) The methods for the management and extinguishment of mine fires.

(e) The methods for rescue and relief work in mine disasters.

(f) The application of electricity in mining operations.

(g) The application of mechanical loading in mining operations.

(h) The equipment and explosives manufactured for use in coal mines.

(i) The mechanical features of mine scales and the methods used in properly inspecting and testing such scales.

(j) The methods used in locating oil and gas wells when drilled through any coal seam.

(k) The proper manner of drilling and plugging oil and gas wells.

(l) Mining engineering.

(m) The methods for the prevention of explosions in mines due to gas or dust.

(3) The chief shall be capable of efficiently reporting on any proposed development in mining operations or the possibility of operating any coal seam.

(4) The chief shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine, or have any financial or other interest in any coal mine in this state.

Section 7. *Duties of chief.* (1) The chief of the department shall have full authority over the department and shall superintend and direct the activities of the district mine inspectors and other personnel of the department.

(2) He may, whenever necessary, divide the coal fields of the state into as many inspection districts as there are district mine inspectors, so as to equalize as nearly as practicable the work of each inspector, and shall assign to the inspectors their respective districts.

(3) He may, whenever he deems it necessary in the interest of efficient supervision of the mines, temporarily employ the services of additional inspectors or change inspectors from one district to another.

(4) He shall superintend and direct the inspection of mines and cause to be investigated the character and quality of air in mines whenever conditions indicate the necessity of doing so.

(5) He shall collect statistics relating to coal mining in the state and make an annual report of such statistics.

(6) He shall see that maps, plans, projections and proposed developments of all coal mines are made and filed in his office.

(7) He shall keep a properly indexed, permanent record of all inspections made by himself and the personnel of the department.

(8) He shall exercise general supervision over the training of officials and workmen in safety, first aid, and mine rescue methods, and may conduct demonstrations in safety whenever he deems it advisable.

(9) He shall exercise general supervision over the dissemination of information among officials and employes concerning mine ventilation, mining methods, and mine accidents and their prevention, and shall assume full charge in the event of fire or explosion or other serious accident at any mine in the state.

(10) He may assist in the resumption of operations of any mine or gather data for the development of any coal seams that would be of any benefit to the state or create new employment.

(11) The chief of the department shall make to the Governor an annual report of his proceedings during the preceding calendar year. The report shall be prepared and printed as soon as possible after the close of the calendar year. It shall cover the complete operation of the coal mines in this state during the preceding calendar year, enumerating all accidents occurring in or about any such mine during that year, and giving such other information as the chief deems useful, and making such suggestions as he deems important as to further legislation on the subject of mining.

(12) The chief shall maintain a permanent, indexed record of all inspections made by himself and of all reports relating to inspections of mines furnished to him by district mine inspectors. All such records of the department of mines shall be public records and shall, at all times, be open to the inspection of the public, and shall, at any time, be laid before the Governor upon his request.

Section 8. *Copies of mine inspection reports; fees for.* Upon request accompanied by such fee as is generally charged by courts of record for such services, the department shall furnish certified copies of mine inspection records. All fees collected hereunder shall be paid into the Department of Finance.

Section 9. *Offices of department and of district mine inspectors.* (1) Adequate offices shall be furnished the department by the State University at Lexington, and its main office shall be located there. The department shall have access to the facilities of the Mining Laboratory and Kentucky Geological Survey.

(2) The offices of the district mine inspectors shall be at such

places within their respective districts as the chief designates, and each district mine inspector shall be provided with a suitable office.

Section 10. *District inspectors and inspectors of mine weights; appointment; qualifications; salaries; oath; and bond.* (1) The Governor shall appoint an adequate number of district mine inspectors to insure at least four inspections annually of all mines in the state. One of the appointees shall be designated as an electrical district mine inspector. The Governor shall also appoint not more than eight inspectors of mine weights. The term of office of each district mine inspector and each inspector of mine weights shall be during the period of capable, efficient service and good behavior.

(2) All district mine inspectors and inspectors of mine weights shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, shall possess thoroughly the knowledge required of the chief by section 5 of this Act, and shall have a thorough practical knowledge of mining gained by at least ten years' experience in and about coal mines, at least five of which must have been underground in coal mines in this state.

(3) No person shall be appointed to the office of district mine inspector or inspector of mine weights until he has passed a satisfactory examination before the Board of Examiners. The chief may recommend to the Governor applicants for district mine inspector and inspector of mine weights who have successfully passed the examination and are proved by worth, training, and experience to be the most competent of the applicants.

(4) District mine inspectors and inspectors of mine weights shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine, or have any financial or other interest in any coal mine in this state.

(5) Each district mine inspector and each inspector of mine weights shall receive a salary of not less than four thousand five hundred dollars per annum, nor more than five thousand five hundred dollars per annum, payable monthly, and shall be paid

their necessary traveling and other expenses incurred on account of and when engaged in the discharge of their official duties. Salaries shall be determined by the chief and approved by the Governor, and shall be based on the ability and experience of the inspector.

(6) Each district mine inspector and inspector of mine weights shall take the oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate shall be filed in the office of the Secretary of State.

(7) Each district mine inspector and inspector of mine weights shall give bond with surety approved by the Governor.

Section 11. *Board of Examiners for district mine inspectors, inspectors of mine weights, mine foremen, and fire bosses.* (1) The Board of Examiners for the certification of district mine inspectors, inspectors of mine weights, mine foremen, and fire bosses shall consist of the following members:

(a) The Chief of the Department of Mines and Minerals.

(b) One miner recommended by the miners of the state, holding a mine foreman's certificate of the first class and who has had at least seven years of practical experience underground in the mining of coal, four years of which have been in the mines of this state, and who is actually employed in mining coal in this state at the time of appointment.

(c) One operator recommended by the operators of the state, holding a mine foreman's certificate of the first class and who has had at least seven years of practical experience underground in the mining of coal, four years of which have been in mines of this state, and who is actually engaged in operating a coal mine in this state at the time of appointment.

(2) Each member of the board except the chief shall be appointed by the Governor for a term of four years, and shall be compensated, while on duty status, at the rate of twenty dollars per day plus necessary traveling and other expenses incurred on account of their official duties.

(3) The chief shall be chairman of the board and whenever it is necessary for him to be absent from any meeting of the

board he may designate any member of his department to preside during his absence. The chairman shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

(4) Certificates issued by the board shall be valid only when the examination for same has been held in the presence of and signed by all members of such board.

Section 12. *Admission to examination; fee.* (1) The Board of Examiners shall not admit any applicant to take an examination given by it until the applicant has submitted to the board a money order made payable to the Department of Finance in the amount of five dollars.

(2) The board may refuse to examine any applicant who cannot readily understand the written English language or cannot express himself intelligently in English.

(3) Each applicant for a state mine inspector certificate shall be a citizen of the United States and a resident of this state. He shall be not under twenty-eight years of age and have at least ten years experience underground in coal mines, five years of which shall have been in this state.

(4) Each applicant for a mine foreman certificate shall be a citizen of the United States and a resident of this state, or employed at a mine in this state. He shall be not under twenty-five years of age and have at least five years experience underground in coal mines.

(5) Each applicant for a fire-boss certificate shall be a citizen of the United States and a resident of this state, or employed at a mine in this state. He shall be not under twenty-one years of age and have at least three years experience underground in coal mines.

Section 13. *Examinations and certificates.* (1) Each applicant for a state mine inspector certificate shall prove to the Board of Examiners by written and oral examination that he possesses the knowledge required of the chief of the department by subsection (2) of section 6 of this Act.

(2) Each applicant for a first class mine foreman certificate shall prove to the board by written and oral examination, and demonstration where practicable, that he has a thorough knowledge of the theory and practice of coal mining; of the nature and properties of noxious, poisonous, and explosive gases and methods for their detection and control; of the requirements of the state laws pertaining to coal mining; and of the responsibilities and duties of a mine foreman, particularly with respect to the health and safety of the employes under his jurisdiction, as required by state law.

(3) Each applicant for a second class mine foreman certificate shall prove to the board by written and oral examination, and demonstration where practicable, that he has a thorough knowledge of the theory and practice of coal mining; of the requirements of the state laws pertaining to coal mining; and of the responsibilities and duties of a mine foreman, particularly with respect to the health and safety of the employes under his jurisdiction, as required by state law.

(4) Each applicant for a fire boss certificate shall prove to the board by written and oral examination, and by demonstration where practicable, that he has a thorough knowledge of the nature and properties of noxious, poisonous, and explosive gases and methods for their detection and control; of the practical aspects of coal mining especially pertaining to ventilation and roof hazards; and of the responsibilities and duties of a fire boss as required by state law.

(5) The board shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, inspector of mine weights, mine foreman, or fire boss; has passed the examination given by the board for that certificate with a grade of not less than 85 percent in any subject; and who presents to the board satisfactory evidence, in the form of affidavits made by well known and responsible persons in the locality from which he came, that he is a man of sobriety and good moral character and has had the experience required by law.

(6) Persons possessing state mine inspector certificates, first class mine foreman certificates, or fire-boss certificates issued prior to the effective date of this Act are not affected by this

section. Persons possessing second and third class mine foreman certificates issued prior to the effective date of this Act may continue to act in the capacity of mine foreman or assistant mine foreman at mines of the class specified in their certificate for a period of one year following the effective date of this Act.

(7) The certificate or photostatic copies thereof shall be kept on file in the mine office and shall be available for inspection by interested persons.

Section 14. *Duplicate certificates.* If any district mine inspector, inspector of mine weights, mine foreman, or fire boss misplaces his certificate or it is destroyed, he shall apply to the chief for a duplicate certificate, including with his application an affidavit stating in full how the certificate was destroyed or misplaced, and if the chief deems it proper he shall furnish the district mine inspector, inspector of mine weights, mine foreman, or fire boss with a duplicate certificate. Any person applying for a duplicate certificate shall pay a fee of two dollars to the Department of Finance.

Section 15. *Personnel and general duties.* (1) Each district mine inspector shall devote his entire time and attention to the duties of his office which shall consist of the following:

(a) Inspect coal mines and aid, under the direction of the chief, in carrying out and enforcing the provisions of the laws relating to the inspection of coal mines.

(b) Train officials and workmen in and about the mines in first aid, mine rescue, and accident-prevention methods.

(c) Advise officials and workmen in methods pertaining to safety in all its phases and in particular the methods pertaining to the prevention of roof-fall and haulage accidents, mine fires, and explosions.

(d) Take charge of mine rescue and recovery work whenever a mine fire, mine explosion, or other serious accident occurs within his district and the chief is not present, and assist in such work in other districts when so directed by the chief.

(e) Supervise the reopening of mines or portions of mines that have been sealed on account of fire or any other cause,

when called upon by the owner or operator and directed by the chief to do so.

(f) Inspect each mine in his district at least once every three months, or oftener if necessary, while the mine is in operation, and wherever any danger to the workmen may exist. The inspector shall inspect the surface plant, every working place in the mine, all active haulageways and travelways, entrances to abandoned workings, accessible old workings, at least one entry of each intake and return airway in its entirety, escapeways and other places where men work or travel or where dangerous contions may exist, electric equipment and installations, haulage facilities, first aid equipment, ventilation facilities, communication installations, roof and rib conditions, roof-support practices, blasting practices, haulage practices and equipment, and any other condition, practice, or equipment pertaining to the health or safety of the employes. Also, he shall measure the volume of air at the intake and return of the main ventilating current and of each split thereof, and the amount of air passing through the last break-through in each pair or set of entries, and designate to the mine foreman where measurements of air shall be made as required by this Act. He shall make tests for gas and oxygen deficiency in each underground place which he is required to inspect, and collect samples of mine air and mine dusts for analysis if necessary to determine conditions with respect to gas and coal dust. In mines operated more than one shift in a twenty-four hour period, the inspector shall devote sufficient time on the second and third shift to determine the conditions and practices relating to the health and safety of the employes.

(g) Report each week in writing to the chief the condition of each mine inspected by him.

(h) Forward a copy of his inspection report on a mine to the operator or the superintendent of the mine inspected and another copy to the mine safety committee at such mine within twenty-four hours after the inspection is completed. Such report shall show the specific violations of the mining laws, and recommendations made or action taken to eliminate them.

(i) Post a copy of the inspection report on a bulletin board

at a prominent place on the mine premises where it can be conveniently read by the employes.

(j) File with the chief, within fifteen days after the close of each calendar year, a report of his proceedings during the calendar year and give such information concerning the mines and mining conditions in his district as is appropriate and required by the chief.

(k) Proceed immediately to the scene of any mine accident in his district that causes loss of life or serious personal injury, and to the scene of any mine fire or explosion regardless of whether there is loss of life or personal injury, make such investigation and suggestions and render such assistance as he deems necessary for the future safety of the employes, make a complete report thereon and give such report the same distribution as a regular report of inspection. The report shall be preserved with the other records in the office of the chief and in the office of the district mine inspector. To aid in making such investigations, the chief or the district mine inspector may compel the attendance of witnesses and administer oaths.

(l) Report immediately, and by the quickest available means, any mine fire, mine explosion, and any accident resulting in loss of life, to the chief, to the nearest office of the Federal coal-mine inspector or other representative of the Health and Safety Division of the United States Bureau of Mines, and to the district president of the mine workers' organization having jurisdiction at the mine. Such district president or his designated representative, the mine safety committee at the mine involved, and Federal coal-mine inspectors shall be permitted to actively and fully participate in the investigation, and any hearings connected therewith, of any mine fire, mine explosion, and any accident resulting in loss of life or serious injury.

(m) The chief or district mine inspector shall, and is hereby authorized to, order any mine or section thereof cleared of all persons where, in his opinion, there is imminent or serious danger to the life or health of the employes therein and refuse further entry to any persons, except those necessary to correct such dangerous condition and those permitted to participate in in-

vestigations as provided in this Act, until he determines by actual inspection that the mine or section thereof involved is in safe operating condition. Whenever such a mine or section thereof is ordered cleared of persons by the chief or district mine inspector, he shall immediately thereafter notify the owner, agent, superintendent, or mine foreman of the mine, in writing, setting forth the condition found, and shall forward promptly a copy thereof to his superior, to the nearest office of the Federal coal-mine inspector or other representative of the Health and Safety Division of the United States Bureau of Mines, and to the district president of the mine workers' organization having jurisdiction at the mine.

(2) The duties of the mine operator and superintendent shall be as follows:

(a) Each superintendent shall, on behalf and at the expense of the operator, keep on hand at or within convenient distance of the mine a sufficient quantity of all materials and supplies required to preserve the safety and health of employes, as ordered by the mine foreman and required by law. If the superintendent cannot procure the necessary materials or supplies, he shall at once notify the mine foreman, who shall withdraw the men from the mine until the materials or supplies are received.

(b) The operator or superintendent shall cooperate with the mine foreman and other officials in the fulfillment of their duties under the provisions of this or any subsequent Act pertaining to mining, and shall direct that the mine foreman and all other employes under him comply with the law, especially when his attention is called by the chief or district mine inspector to any violations of the laws.

(c) The superintendent shall keep on hand at the mine a supply of the printed rules, notices, and record books required by this Act. The record books shall be furnished through the chief or district mine inspector on written request of the operator or superintendent. The superintendent shall see that rules, notices, and record books are delivered to the proper persons at the mine and properly cared for and that the rules and notices

are posted in conspicuous places at or near the main entrance to the mine, and that they are kept legible.

(d) For every fifty men or fraction thereof employed underground the operator of each mine shall keep on hand at the mine one properly constructed stretcher in good condition, one woolen blanket, and all other necessary equipment advised by the department.

(e) Each operator shall make available the necessary facilities for all employes to receive first-aid training for the safety of themselves and their fellow workmen.

(f) The operator or superintendent of each mine shall notify the chief immediately of the following occurrences:

1. The abandonment of a mine or section thereof.

2. The resumption of work in a mine after an abandonment or discontinuance for a period of thirty days or more; such mine shall not resume operation until it has been inspected and approved by the chief.

3. Any change in the name of a mine.

(g) The operator or superintendent of each mine shall annually, not later than January 6, make or cause to be made an accurate map of the workings of the mine, on a scale of one hundred, two hundred, three hundred or four hundred feet to the inch, showing the area mined and the forms of the excavations up to January 1, together with the location and connection of the lines of all adjoining lands within one thousand feet of the excavations, and the name of each owner so far as known marked on each tract. The operator or superintendent shall deposit a true copy of the map with the chief within forty-five days after January 1, and another copy of the map shall be kept at the office of the mine.

(h) After making and filing the map with the chief, the operator or superintendent thereafter is required tonly to file annually with the chief, within the time specified, such additional map and statement as is necessary to show the progress of the workings, the amount and forms of excavations, and the prop-

erty lines within one thousand feet of the excavations extended since the date of the preceding map.

(i) The chief may, if he deems it advisable, require any operator or superintendent to furnish a map other than those required in subsections (g) and (h), and the operator or superintendent shall comply immediately with the requirement.

(j) The owner, lessee, or superintendent of each mine shall give at the end of each month and at the end of each calendar year accurate information, on blanks furnished by the chief, as to the number of accidents that have occurred, the number of persons employed, the tons of coal mined, and any other information not of a private nature that the chief requests.

(k) The map kept on the surface at the mine shall be brought up to date at least once every six months by an official survey of all mine workings. The map shall show also the direction of all air currents, the location and condition of all escapeways, the location of doors and overcasts, and any other information required by the chief.

(l) Each operator or superintendent of a mine shall, before making any new or additional opening from the outside, submit to the chief, for his information and approval, a map or plan showing the proposed system of ventilation and equipment of the openings, and their locations and relative positions to adjacent developments. No new or additional openings to any mine shall be made without the approval of the chief.

(3) Each mine employing more than twenty-five men during any twenty-four hour period, and all gassy mines, shall be supervised by a mine foreman who possesses a first-class mine foreman certificate. Each nongassy mine employing twenty-five men or less during any twenty-four hour period shall be supervised by a mine foreman who possesses a first or second class mine foreman certificate. When the mine workings become so extensive that the mine foreman is unable personally to carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons who possess mine foreman certificates as required under this Act, to act as assistants to the mine foreman and under his instructions.

(a) The mine foreman shall see that the requirements of the mining laws of this state that pertain to his duties and to the health and safety of the employes are fully complied with at all times. Where it is necessary that the mine foreman be temporarily absent from the mine, he shall place the mine in charge of a properly certified assistant.

(b) It shall be the duty of the mine foreman, assistant mine foreman, and section foreman of every mine to see that every person employed to work in a mine shall, before beginning work therein, be instructed in all dangers incident to his work in the mine. It shall be the duty of the mine foreman to see that every person employed in the mine shall be furnished with copies of the state mining laws and the printed rules pertaining to such mines.

(c) Every inexperienced person employed underground shall be required to work with and under the direction of an experienced person for a period of at least one year following his employment.

(d) The mine foreman shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss, or any other person working in the mine, and in case it is impracticable to remove the danger at once he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous condition exists.

(4) Each fire boss shall be the holder of a fire boss certificate or first class mine foreman certificate, and he shall see that the requirements of the mining laws of this state that pertain to his duties are complied with at all times.

(a) The record books of the fire bosses shall, at all times during working hours, be accessible to the district mine inspector and to any other interested persons. Once each week each fire boss shall furnish the district mine inspector a copy of his records which the district mine inspector shall preserve.

(b) In the performance of his duties the fire boss shall have no superior officer, and all the employes working inside the mine shall be subordinate to him in his particular work.

(5) Operators of electric face equipment in gassy mines shall undergo and pass an examination to determine their fitness to detect explosive gas before they are permitted to have charge of electric face equipment unless accompanied by a certified fire boss, or by a machine runner or helper who has passed such an examination. The examination shall be given by the district mine inspector upon forms furnished by the department. A copy of the examination shall be retained on file at the mine office, and the original shall be sent to the department fully made out and signed by the applicant and by the district mine inspector. The duties of the operator of electric face equipment employed in a gassy mine are as follows:

(a) He shall make a thorough examination of the working place for gas before the electric face equipment is moved or operated inby the last open breakthrough in the place where such equipment is to work, unless the examination is made by some other certified person. If any explosive gas is found in the place such equipment shall not be taken therein until the gas is removed.

(b) He shall make an examination for gas, in a gassy mine, at not more than ten-minute intervals during the time the equipment is in operation at the face. If gas is found, he shall disconnect the power from the equipment and leave it disconnected until the gas is removed and the place is reported safe by a certified official.

(6) No person shall knowingly injure any shaft, lamp, instrument, air course or brattice, obstruct or throw open airways, disturb any part of the machinery or appliances, open a door used for directing ventilation without closing it afterwards, enter any part of a mine against caution, disobey any order given in carrying out any of the provisions of this Act, do any act endangering the life or health of any person employed in the mine, or endangering the security of the mine, or enter or be about any mine while intoxicated or under the influence of alcohol.

Section 16. *Revocation of certificates; reexamination.* Upon written charges preferred by the board or by some interested

person, and upon due notice to the holder thereof and a hearing thereon, any certificate granted before or subsequent to the effective date of this Act may be revoked by the Board of Examiners. Complaint may be filed against the holder of a certificate for intoxication while in duty status, mental disabilities, neglect of duty, violation of the mining laws of this state, or other sufficient cause. The holder of a certificate so revoked shall be entitled to reexamination by the board after three months have elapsed from the date of revocation thereof; provided he can prove to the satisfaction of the board that the cause for revocation of his certificate has ceased to exist.

Section 17. *Inspection of mine scales, fee.* (1) The inspectors of mine weights shall inspect and test all scales, except railroad scales, used in connection with any mine in this state, and shall determine their mechanical condition and accuracy. Each operator or superintendent shall render such assistance to the inspector of mine weights as may be necessary in conveying and handling the weights and other appliances that are needed for the proper inspecting and testing of scales. The inspector of mine weights shall leave a written record with the mine operator or superintendent as to the condition of the scales inspected and shall post in the weigh office a record of the inspection of the scales. If, upon inspecting and testing any mine scale, the inspector deems it necessary that the scale have any parts replaced, or that the scale be reconditioned or the foundation or building repaired or renewed, the operator or superintendent shall comply immediately with his recommendations.

(2) Each operator shall pay a fee of fifteen dollars to the Department of Finance for each mine scale inspection.

Section 18. *Mine rescue divisions and stations; supplies and equipment.* The chief shall partition the coal fields of the state into mine rescue divisions, of which there shall be at least two in the western coal field and at least four in the eastern coal field. In each division there shall be a station, the location of which shall be determined by the chief, and there shall be kept at each station apparatus, appliances, and supplies for use in the work of rescue and relief upon the occurrence of explosions or mine fires, and for the training of officials and miners in mine

rescue work. The chief shall provide each station and himself with the necessary instruments, appliances, apparatus, chemicals, and trucks, and shall designate one of the district mine inspectors to have charge of each station.

Section 19. *Workmen's compensation.* The personnel of the Department of Mines and Minerals is subject to the provisions of the workmen's compensation laws of this state.

Section 20. *License required to operate mine; fee; penalty.* (1) Within forty-five days after January 1, 1953, and of each year thereafter, the owner, operator, or lessee of each mine shall procure from the department a license to operate such mine, and such license shall not be transferable. Any owner, operator, or lessee who assumes control of a mine, opens a new mine, or reopens an abandoned mine during any calendar year shall procure a license before mining operations are begun.

(2) The license shall be made of metal or other durable material, and shall be kept posted at a conspicuous place near the main entrance to the mine.

(3) Request for a license shall be made to the department and shall be accompanied by a post office money order or cashier's check drawn in favor of the Department of Finance in an amount of ten dollars for each license for each mine.

(4) Any owner, operator, or lessee who fails to obtain a license as required by this section shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five hundred dollars at the discretion of the court.

Section 21. *Facilities for inspection; petition for reopening mine; notice of hearing.* (1) The operator or superintendent of each mine shall furnish the chief and district mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) The owner or operator of any mine closed by order of the chief or district mine inspector may by petition apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or judge shall immediately hear and

determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge finds that the mine is in a reasonably safe condition, the prayer of the petition shall be granted; provided, however, that the operation of any order of the chief or district mine inspector requiring the closing of a mine or any part thereof shall not be suspended temporarily pending final decision of the courts.

(3) Notice of such hearing shall be given to the chief and the district mine inspector at least three days before the hearing, and in all such hearings the Attorney-General, the Commonwealth's attorney, or the county attorney of the circuit court district or county in which the mine is situated shall appear for the state and defend the action.

Section 22. *Authority to inspect mines from which coal is produced for personal use.* The chief and district mine inspector are hereby authorized to inspect any mine not otherwise covered in this Act, and to order the withdrawal of men from such mine in which, in his opinion, dangerous conditions exist. The operator of such mine and persons employed therein shall comply with the orders and regulations issued by the chief or district mine inspector.

Section 23. *Appeal by miners from inspection by district mine inspector.* If a majority of the employes of any mine are dissatisfied with the inspection of the mine made by a district mine inspector, they may appeal in writing to the department, setting forth clearly and in detail the cause for their dissatisfaction. The chief shall carefully consider the appeal and take prompt action by ordering another inspection to be made by the district mine inspector, either alone or in company with another district mine inspector detailed by the chief for the purpose if that course appears to him to be warranted by the facts set forth in the appeal, or the chief may take such other action as appears to him just and proper. The appeal shall be signed by the dissatisfied persons.

Section 24. *Mine scales.* (1) The operator or superintendent of each mine shall provide at the tipple or dumping point of the mine suitable and accurate scales for the weighing of coal

for which the miners are to be paid, and when differences arise between the operator or superintendent of the mine and miners as to the accuracy or capacity of the scales and such differences cannot be adjusted locally, the question shall be referred to the Department of Mines and Minerals. The department shall inspect and test the scales as early as practicable after receiving notification. If the inspecting officer of the department finds the scales inaccurate or defective beyond the limit permitted by the department, he shall notify the operator or superintendent of the mine, and the scales shall immediately be repaired and made accurate, or accurate scales substituted therefor. If the inspecting officer finds the scales to be weighing within the limits prescribed by the department, he shall so advise the operator, the superintendent, and representative of the miners in a manner prescribed by the chief.

(2) Where coal is loaded by mechanical means by the day or by the car, subsection (1) does not apply.

(3) No person shall tamper with any mine scale except to adjust the tare weights for the different types of mine cars and to balance the scales.

Section 25. *Checkweighman.* (1) When a majority of the miners in any mine request the operator of the mine to allow the miners to employ, at their own expense, a checkweighman to inspect the weights at the mine, and see that all coal mined is properly weighed and accounted for, and perform only such duties as will insure that the coal is properly weighed and correctly accounted for, the operator shall permit a checkweighman to be employed by the miners making the request, provided the person so employed has the reputation of being an honest, trustworthy, discreet, sober, and upright man. The checkweighman shall be an employe of the mine, unless no employe is a suitable person, in which case the miners may, by agreement with the operator, elect some other person who is suitable. No checkweighman shall hold any other office or have any other duties than as checkweighman. The checkweighman shall be elected by a majority of the employes of the mine engaged in mining and loading coal, and the election shall be properly conducted by secret ballot at the principal entrance to the mine. The election

of each checkweighman shall be approved by the county judge of the county, on presentation of an affidavit stating that the checkweighman has been duly and properly elected in accordance with the provisions of this section.

(2) The checkweighman shall have free access to the mine scales while the mine is in operation or the scales are being tested. No agent or employe of the operator shall hinder or prevent the checkweighman in the performance of his duties in a proper manner, and no checkweighman shall prevent the weighman or other employe of the operator from performing his duties in a proper manner.

(3) The operator or the superintendent shall see that cars are tared, in their usual running condition, at reasonable intervals.

Section 26. *Payment of miners.* Any operator of a mine shall, on or before the fifteenth and thirtieth days of each month, pay to each employe, within fifteen days of the aforesaid fifteenth or thirtieth day, respectively, in lawful money of the United States, the full amount of wages due him, unless prevented by an unavoidable casualty. If, at any time of payment, the employe is absent from his place of labor he shall be entitled to such payment at any time thereafter on demand.

Section 27. *Coercion of trade of miners prohibited.* (1) No person operating a mine shall require any employe to deal with or purchase merchandise of any kind from any person or at any place.

(2) No such employer shall exclude from work, punish, or blacklist any employe for failure to deal with or purchase merchandise of any kind from any person or at any place.

Section 28. *Publication and distribution of mining laws.* the mining laws of this state shall be published by the department and made available without cost to all miners and operators in the state within 6 months after the date of passage of this Act.

ARTICLE II

Section 29. *Surface regulations.* (1) Tipple and cleaning plant.

(a) In dusty locations, electric motors, switches, lighting fixtures, and controls shall be protected by dust-tight construction.

(b) Structures shall be kept free of coal-dust accumulations.

(c) Where coal is dumped at or near air intake openings, provisions shall be made to prevent the dust from entering the mine.

(d) Where repairs are being made to the plant, or where equipment or material is being used or transported overhead, proper scaffolding or proper overhead protection shall be provided.

(e) Welding or cutting with arc or flame shall not be done in dusty atmospheres or dusty locations, and fire-fighting apparatus shall be ready available during such operations.

(2) Lamp house.

(a) Naphtha or other flammable liquids in lamp houses shall be kept in safe containers and safe dispensers.

(b) All lamps used for portable illumination, flame safety lamps, and methane detectors or indicators shall be of permissible type and maintained in permissible condition. Such lamps shall be properly cleaned, assembled, and checked by a qualified lamp attendant or other competent person before each period of use. Persons to whom safety lamps are issued shall check such lamps and be satisfied that they are in proper condition before taking them underground.

(c) Flame safety lamps, cap lamps, other devices used for portable illumination, and methane detectors or indicators, when not in actual service, shall be kept on the surface in the custody of a competent person.

(3) Stairways, platforms, and runways.

(a) Stairways, platforms, and runways shall be provided where men work or travel above ground.

(b) Stairways, elevated platforms, floor openings, and

elevated runways shall be equipped with suitable handrails or guardrails.

(c) Elevated platforms, floor openings, stairways, and runways shall be provided with toeboards; the platforms, stairways, and runways shall be kept clear of stumbling and slipping hazards and maintained in good repair.

(4) Housekeeping.

(a) Good housekeeping shall be practiced in and around mine buildings and yards. Such practices include cleanliness, orderly storage of materials, and the removal of possible sources of injury, such as stumbling hazards, protruding nails, broken glass, and falling and rolling materials.

(5) Lighting.

(a) Lights shall be provided as needed in or on surface structures.

(b) Roads, paths, and walks outside of structures shall be kept free from obstructions and shall be well illuminated if used at night.

(6) Surface fire prevention.

(a) Oil, grease, and similar flammable materials shall be kept in closed containers, separate from other materials so as not to create a fire hazard to nearby buildings or mines. If oil or grease is stored in a building, the building or room in which it is stored shall be of fireproof construction and well ventilated.

(b) Oily rags, oily waste, and waste paper shall be kept in closed metal containers until removed for disposal.

(c) Smoking shall be prohibited in or around oil houses, explosives' magazines, tipples, and other places where such practice may cause a fire or explosion.

(d) All structures within one hundred feet of any mine opening shall be of reasonably fireproof construction, or made reasonably fireproof.

(e) The area within one hundred feet of all mine openings shall be kept free of combustible material; provided, however,

however, that this shall not apply to the temporary storage of not more than a one-day supply of such materials.

Section 30. *Control of roof, face, and ribs.* (1) Support standards.

(a) Adequate minimum standards for systematic support suitable to the roof conditions and mining system of each mine shall be adopted and followed. Such standards shall show the minimum number and the location of supports, such as posts, cross bars, or bolts, that shall be installed. Irrespective of natural conditions, the plan shall require some support at all working faces.

(b) Such standards shall be posted conspicuously near the main entrance to the mine at prominent locations in each working section of the mine.

(c) Supports additional to those required by the minimum standards shall be installed, as needed to afford adequate protection.

(d) Before roof-bolting is adopted as a means of support a written permit shall be obtained from the chief. The effectiveness of roof bolting shall be proved by experimental installations made in rooms or back entries where there is likely to be little travel after completion. Such experimental installations of bolts shall be accompanied by adequate conventional timbering. After such experimental area has been abandoned for regular travel, the timbers may be removed and the effectiveness of the bolts observed over a period of several months. On the basis of these observations, the minimum systematic support standards shall be determined.

(e) The method of mining followed shall not expose the workmen to unusual dangers caused by excessive widths of rooms and entries, faulty pillar-recovery methods, or other dangerous mining methods.

(2) Support supplies and methods.

(a) The management shall provide at or near the working faces an ample supply of suitable materials of proper size with which to secure all working places in a safe manner,

(b) Safety posts, jacks, or temporary cross bars shall be set close to the face before other operations are begun, and as needed thereafter.

(c) Safety posts or jacks shall be used to protect the workmen when roof material is being taken down, cross bars are being installed, roof-bolt holes are being drilled, and when roof bolts are being installed.

(d) All underground working places, travelways, and haulageways shall be secured sufficiently to protect employes from falls of roof, face, or ribs. Loose roof and overhanging or loose faces and ribs shall be taken down or supported.

(e) Supports knocked out accidentally shall be replaced promptly. Supports in active workings shall not be removed deliberately unless equivalent protection is provided.

(f) Except those persons assigned to install supports or to inspect the place, no one shall advance under unsupported roof at working faces.

(3) Testing of roof, face, ribs, and roof bolts.

(a) The management shall instruct all workmen in the proper testing of roof, face, and ribs.

(b) Before starting work or before starting a machine, and frequently thereafter, persons exposed to danger from falls of roof, face, and ribs shall examine and test the roof, face, and ribs. When dangerous conditions are found, they shall be corrected immediately by taking down the loose material or by proper timbering before work is continued or any other work is done, or the place shall be vacated.

(c) At least once each shift, or oftener if necessary, and during each visit, a certified official shall examine and test the roof, face, and ribs of each active working place while the men are working therein. Any place in which a dangerous condition is found by the foreman shall be made safe in his presence or the workmen shall be withdrawn.

(d) At least once each day the mine is in operation, or oftener if necessary, a certified official shall examine the roof

and ribs of each passageway, and the supports therein, where men work or travel, and a record of such examination shall be made in an official record book of the mine. Any dangerous condition found shall be corrected promptly, or traffic thereunder shall be discontinued until the danger has been removed.

(e) When there is danger of coal rolling on a person during or after cutting, it shall be spragged by placing blocks in the cut or by blocking with leaning posts.

(f) A bar of proper length shall be used to bar down loose material.

(g) Cross bars and their supports shall be braced or otherwise secured to prevent their being knocked out of position.

(h) Installed roof bolts shall be tested by qualified persons designated by the mine foreman.

(4) Recovery of supports.

(a) Recovery of permanent timber shall be done only by experienced men using mechanical means, and persons so engaged shall not be permitted to work alone. Installed roof bolts shall not be recovered.

Section 31. *Explosives and blasting.* (1) Surface magazines.

(a) Separate surface magazines shall be provided for the storage of explosives, detonators, and Cardox heater elements.

(b) Surface magazines for storing and distributing explosives in amounts exceeding 125 pounds shall be:

1. Reasonably bulletproof and constructed of incombustible material or covered with fire-resistive material. The roofs of magazines so located that it is impossible to fire bullets directly through the roof from the ground need not be bulletproof, but where it is possible to fire bullets directly through them, roofs shall be made bullet-resistant by material construction, or by a ceiling that forms a tray containing not less than a four-inch thickness of sand, or by other methods.

2. Provided with doors constructed of three-eights inch

steel plate lined with a two-inch thickness of wood, or the equivalent.

3. Provided with dry floors made of wood or other nonsparking material and have no metal exposed inside the magazine.

4. Provided with suitable warning signs so located that a bullet passing directly through the face of a sign will not strike the magazine.

5. Provided with properly screened ventilators.

6. Equipped with no openings except for entrance and ventilation.

7. Kept locked securely when unattended.

(c) Surface magazines for storing detonators and Cardox heater elements need not be bulletproof, but they shall be in accordance with other provisions for storing explosives.

(d) Explosives or Cardox heater elements in amounts of 125 pounds or less, or 5,000 detonators or less, shall be stored in accordance with preceding standards or in separate locked box-type magazines. Box-type magazines may also be used as distributing magazines when quantities do not exceed those mentioned. Box-type magazines shall be constructed strongly of two-inch hardwood or the equivalent. Metal magazines shall be lined with nonsparking material. No magazine shall be placed in a building containing oil, grease, gasoline, waste paper, or other highly flammable material, nor shall a magazine be placed less than twenty feet from a stove, furnace, open fire, or flame.

(e) Explosives-distributing magazines shall be not less than one hundred feet from any mine opening or from any building used or occupied by any person; and all magazines used for storing explosives in excess of an estimated daily supply shall be located not less than five hundred feet from any mine opening or from any building used or occupied by any person.

(f) The supply kept in distribution magazines shall be limited to approximately one day's requirements, and such supplies of explosives and detonators may be distributed from the

same magazine, if separated by at least a four-inch substantially fastened hardwood partition or the equivalent.

(g) The area surrounding magazines for not less than twenty-five feet in all directions shall be kept free of rubbish, dry grass, or other materials of a combustible nature.

(h) If the explosives magazine is illuminated electrically, the lamps shall be of vapor-proof type, installed and wired so as to present minimum fire and contact hazards.

(i) Only nonmetallic tools shall be used for opening wooden containers. Extraneous materials shall not be stored in an explosives, detonator, or Cardox heater element magazine.

(j) Smoking, carrying smokers' articles, or open flame shall be prohibited in or near any magazine.

(2) Cardox charging station.

(a) A Cardox charging station shall:

1. Be in a fireproof structure on the surface or isolated from other operations in the same building by a substantial fireproof partition. Such installation shall be approved in writing by the chief.

2. Be provided with at least two methods of relieving excess pressure in the storage tank, at least one of which shall be automatic. If one of these methods is a valve, the valve shall be tested monthly.

(b) The daily supply of heater elements shall be kept in a box-type magazine.

(3) Underground transportation.

(a) Explosives or detonators carried anywhere underground by any person shall be in individual approved containers. Such containers shall be constructed substantially of nonconductive material, maintained in good condition, and kept closed.

(b) When explosives or detonators are transported underground in cars moved by means of a locomotive or rope, or in shuttle cars, they shall be in approved substantial covered cars or

in approved special substantial covered containers use specifically for transporting detonators or explosives.

1. The bodies and covers of such cars and containers shall constructed or lined with nonconductive material.

2. If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least four-inch substantially fastened hardwood partition or the equivalent.

3. Explosives, detonators, Cardox shells, or other blasting devices shall not be transported on the same trip with men.

4. When explosives or detonators are transported in special cars or containers in cars, they shall be hauled in special trips not connected to any other trip; provided, however, that this shall not prohibit the use of such additional cars as needed to lower a rope trip, or to haul supplies, including timbers; and provided further that materials so transported shall not project above the top of the car. In no case shall flammable materials such as hay, oil, or grease be hauled on the same trip with explosives.

5. Explosives or detonators shall not be hauled into or out of a mine within five minutes preceding or following a man-trip or any other trip. If traveling against the air current the man-trip shall precede the explosives trip; if traveling with the air current the man-trip shall follow the explosives trip.

(c) Explosives and detonators shall be transported underground by belt only under the following conditions:

1. In the original and unopened case, in special closed cases constructed of nonconductive material, or in suitable individual containers.

2. Clearance requirements shall be the same as those for transporting men on belts.

3. Suitable loading and unloading stations shall be provided.

4. Stop controls shall be provided at loading and unload-

ing points, and an attendance shall supervise the loading and unloading of explosives and detonators.

(d) Neither explosives nor detonators shall be transported on flight or shaking conveyors, scrapers, mechanical loading machines, locomotives, cutting machines, drill trucks, or any self-propelled mobile equipment; provided, however, that this shall not prohibit the transportation of explosives or detonators in special closed containers in shuttle cars or in equipment designed especially to transport such explosives or detonators.

(4) Underground storage.

(a) When supplies of explosives and detonators for use in one or more sections are stored underground, they shall be kept in approved section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a reasonable dry, well rock-dusted location protected from falls of roof.

(b) When explosives or detonators are stored in the same section, preferably they shall be kept in separate approved boxes or magazines not less than twelve feet apart; if kept in the same box or magazine they shall be separated by at least a four-inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight hour supply of explosives or detonators shall be stored underground in such boxes or magazines.

(c) Explosives and detonators, kept near the face for the use of workmen, shall be kept in separate approved individual closed containers, in niches in the rib, not less than twelve feet apart, at least fifty feet from the working face and out of line of blast. Such containers shall be constructed of substantial material and maintained electrically nonconductive. Where it is physically impracticable to comply with such distance requirements, the explosives and detonator containers shall be stored in the safest available places not less than fifteen feet from any pipe, rail, conveyor, roadway, or power line, not less than twelve feet apart, and at least fifty feet from the working face and out of line of blast.

(d) Explosives and detonators shall remain in containers until immediately before use at the working face.

(e) Only nonmetallic tools shall be used for opening wooden explosives' containers. Tools or other materials shall not be stored with explosives or detonators.

(5) Blasting practices.

(a) All explosives used underground in coal mines shall be of the permissible type and shall be used as follows:

1. Fired only with electric detonators of proper strength.

2. Fired with permissible shot-firing units, unless firing is done from the surface when all men are out of the mine.

3. Boreholes in coal shall not be drilled beyond the limits of the cut where the coal is cut, nor into the roof or floor.

4. Boreholes shall be cleaned, and they shall be checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

5. All blasting charges in coal shall have a burden of at least eighteen inches in all directions if the height of the coal permits.

6. Boreholes shall be stemmed with at least twenty-four inches of incombustible material, or at least one-half of the length of the hole shall be stemmed if the hole is less than four feet in depth.

7. In gassy mines, examinations for gas shall be made immediately before firing each shot or group of multiple shots and after blasting is completed.

8. Shots shall not be fired in any place where methane can be detected with a flame safety lamp.

9. Charges exceeding one and one-half pounds, but not exceeding three pounds, shall be used only if boreholes are six feet or more in depth, the explosives are charged in a continuous train, with not cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the end cartridges touching the back of the hole and the stemming respectively, and Class A or Class B permissible explosives are used. Provided, however, that the three-pound limit shall not apply to solid rock work.

10. Competent persons shall be designated to fire shots, and they shall comply with the requirements of this Act pertaining to blasting. In gassy mines, the chief and the district mine inspector may require the operator to employ competent shot firers to fire shots.

11. Boreholes shall not be charged while any other work is being done at the face, and the shot or shots shall be fired before any other work is done in the zone of danger from blasting except that which is necessary to safeguard the employes.

12. Only nonmetallic tamping bars shall be used for charging and tamping boreholes. This does not prohibit the use of a nonmetallic tamping bar with a nonsparking metallic scraper on one end.

13. The chief shall prescribe in writing the conditions under which solid shooting may be done in any mine.

14. The leg wires of electric detonators shall be kept shunted until ready to connect to the firing cable.

15. Shots shall not be fired from the power or signal circuit while any men are in the mine.

16. The roof and faces of working places shall be tested before and after firing each shot or group of multiple shots.

17. Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

18. Mixed types or brands of explosives shall not be charged or fired in any borehole.

19. Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

20. Power wires and cables that could contact blasting cables or leg wires shall be deenergized during charging and firing.

(6) Blasting cables.

(a) Blasting cables shall be:

1. Well insulated and as long as may be necessary to permit the shot firer to get in a safe place around a corner.

2. Short-circuited at the battery end until ready to attach to the blasting unit.

3. Staggered as to length or the ends kept well separated when attached to the detonator leg wires.

4. Kept clear of power wires and all other possible sources of active or stray electric currents.

(7) Misfires.

(a) Where misfires occur with electric detonators, a waiting period of at least five minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery ends short-circuited before electric connections are examined.

(b) Explosives shall be removed by firing a separate charge at least two feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out.

(c) A very careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfired hole, to recover any undetonated explosive.

(d) The handling of a misfired shot shall be under the direct supervision of the mine foreman or a certified person designated by him.

(8) Cardox.

(a) The provisions governing the handling, storage, and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells.

(b) Charged Cardox shells shall, except where transported on rubber belts, be transported underground in approved covered insulated cars or in approved covered insulated boxes placed in ordinary mine cars or shuttle cars. They shall be stored on wooden racks or in insulated containers in a breakthrough or idle

room neck at least ten feet from pipe lines, power lines, conveyors, roadways, and haulage tracks, and shall not be removed from such rack or container or wired until ready to use at the face.

(c) Where Cardox is used for blasting, the following shall apply:

1. When Cardox is fired all persons in the vicinity, including the shot firer, shall be around a second corner or in an equally safe place.

2. Blasting cables shall be as long as may be necessary to assure the safety of the shot firer, attached only after the charge has been placed in the borehole, and maintained in good repair.

3. Power wires and cables that could contact blasting cables or leg wires shall be deenergized during charging and firing.

4. The charge shall be detonated with a permissible shot-firing unit.

5. Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a "tight" shot.

6. Cardox misfires shall not be approached until after the elapse of five minutes and shall be handled under the supervision of a certified person.

7. Misfired shells shall be bled off before complete removal from the hole and marked conspicuously upon such removal.

8. All protruding wires shall be removed from shells before the shells are removed from the face.

9. In gassy mines, examinations for gas shall be made immediately before and after firing each shot or group of multiple shots.

10. Shots shall not be fired where methane can be detected with a flame safety lamp.

11. Cardox shells shall not be heated. This does not apply to heat generated when the shell is discharged.

(9) Compressed air blasting.

(a) Where compressed air is used for blasting or breaking down the coal, the following shall apply:

1. Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of twenty thousand pounds per square inch.

2. Air lines shall be grounded at the compressor and, if possible, at other low-resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track.

3. Unions shall be installed in steel air lines at not more than one thousand-foot intervals, and insulated couplings shall be installed at the inby ends of such lines.

4. Shut-off valves shall be installed every one thousand feet in all compressed-air blasting lines and in all branch lines at a point near the main lines.

5. Compressed-air blasting lines shall be protected at places where equipment passes over, under, or adjacent to them.

6. Steel or copper lines shall not be handled or repaired when air pressure is in the line.

7. Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found.

8. Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks and crystallization.

9. Blow-down valves shall not be less than forty-five feet from the face and shall be around a right angle.

10. Holes for compressed-air tubes shall be within the limits of the cut, and shall not be drilled until the coal is cut.

11. The tube shall be pushed to he back of the drill hole and then withdrawn six to twelve inches to form an air cushion.

12. When blow-down valves are opened to discharge the tube, they shall remain open until time to place the tube in the next borehole.

13. After breaking down the coal in any one place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place.

14. When a tube fails to discharge, the line leading to the tube shall be disconnected at the blow-down valve, and the tube shall be dragged by means of the line to an abandoned place, marked with warning signs, and left for twelve hours before any repair work is done thereon.

15. All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle while coal breaking is in progress.

Section 32. *Ventilation and mine gases.* (1) Main fans.

(a) All mines shall be ventilated by means of main fans installed as follows:

1. On the surface.

2. In fireproof housings.

3. Offset not less than fifteen feet from the nearest side of the mine opening; provided, however, that this shall not apply to present fans that are offset any distance from the mine opening if they otherwise comply with the provisions of this paragraph, i.e. paragraph (a).

4. Equipped with fireproof air ducts and ample means of pressure relief.

5. In lieu of requirements for the location of the fan and pressure-relief facilities, the fan may be directly in front of, or over, the mine opening; provided, however, the opening is not in direct line with possible forces coming out of the mine if an explosion occurs, and provided further that there is another opening having a weak-wall stopping or explosion doors that would be in direct line with the forces coming out of the mine

if an explosion occurs, such opening to be not less than fifteen feet nor more than one hundred feet from the fan opening.

6. Main fans shall not be permitted underground at any time.

(b) Main mine fans shall be installed to permit the reversal of air flow and, unless the fan is attended constantly, shall be provided with an automatic device to give alarm when the fan slows down or stops. This device shall be placed so that it will be seen or heard by a responsible person.

(c) At gassy mines, main fans shall be on separate power circuits independent of any mine circuit.

(d) Where physical conditions permit, the area surrounding main fan installations shall be kept free of combustible material for at least one hundred feet in all directions.

(e) The fan shall be inspected daily and a record kept of the inspection, which shall be open for inspection by interested persons.

(f) When the main fan of a gassy mine fails or stops, the power shall be cut off the mine and the men shall be withdrawn from the face regions. If ventilation is restored within a reasonable time, the face regions and other places where methane is likely to accumulate shall be examined by properly certified persons, and if found to be free of explosive or harmful gas, power may be restored and work resumed. If ventilation is not restored within a reasonable time as determined in advance and posted at the mine but in no case more than thirty minutes, all persons shall be removed from the mine. The main fan shall be operated for a period of not less than two hours, and thereafter the mine shall be examined by properly certified persons before the men are permitted again underground. The power wires underground shall not be energized until the mine is reported safe following such examination.

(g) When the main fan of a nongassy mine fails or stops and cannot be started within a reasonable time, the men shall be withdrawn from the face regions. If ventilation is not restored within a reasonable time, to be determined as provided

in paragraph (f) all persons shall be removed from the mine, and the mine shall be examined by properly certified persons before the men are permitted again underground.

(h) Main fans shall be operated continuously except when the mine is shut down with all men out of the mine. If the main fan of a gassy mine is stopped after all men are out of the mine, the fan shall be operated for a period of at least two hours before any man is allowed underground.

(i) Where electric power is available, main mine fans shall not be powered by means of gasoline-powered engines; provided, however, that where electric power is not available, or for emergency use, main mine fans may be powered with internal-combustion engines, but they shall be surrounded with safeguards as follows:

1. The fan shall be operated exhausting, except for emergency use.

2. The engine operating the fan shall be offset at least ten feet from the fan and housed in a separate fireproof structure.

(j) Main fans at gassy mines shall be provided with pressure-recording gages.

(2) Booster fans and blower fans with tubing.

(a) After the effective date of this Act the installation or use of booster fans in any mine shall be prohibited.

(b) Blower fans with tubing shall not be used underground except to ventilate shaft-and slope-sinking operations and their underground connections, the faces of rock tunnels driven between two coal seams or through faults and wants, and they shall be surrounded with safeguards as follows:

1. Each fan shall be powered with a permissible driving unit and installed on the intake-air side of the entrance of the place to be ventilated not less than sixteen feet from the nearest rib of such entrance.

2. The volume of air in which the fan is placed shall be at least two and one half times the manufacturer's maximum rated capacity of the fan.

3. The fan tubing shall be maintained in good condition. The discharge end of the tubing shall be kept within thirty feet of the face.

4. Places in gassy mines ventilated by means of blower fans shall be examined for methane by a properly certified person before the fan is started at the beginning of the shift and after any interruption of fan operation for five minutes or more during the shift.

5. Accumulations of methane shall not be moved by means of a blower fan and tubing.

6. The fan and tubing shall be inspected by a properly certified person at least twice during each working shift.

(3) Volume of air.

(a) The quantity of air passing through the last open breakthrough in any pair or set of active entries shall be not less than six thousand cubic feet a minute; provided, however, that in nongassy mines that have been developed not more than one thousand feet from the main intake air opening, the quantity may be less than six thousand cubic feet per minute at the discretion of the chief and the district mine inspector. The quantity of air reaching the last breakthrough in any pair or set of entries in pillar-recovery sections may be less than six thousand cubic feet a minute if at least six thousand cubic feet of air a minute is being delivered to the intake end of the pillar line.

(b) Under all conditions, the air current at working faces shall have a sufficient volume and velocity to readily dilute and carry away smoke from blasting and any flammable or harmful gases.

(c) At least once each week, a properly certified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open breakthrough in each active entry, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split. A record of such measurements shall be kept in a book on the surface, and the record shall be open for inspection by interested persons.

(4) Coursing of air.

(a) The main intake and return air currents in mines opened after the effective date of this Act shall not be in a single partitioned opening.

(b) All entries driven in coal after the effective date of this Act shall be in sets of two or more.

(c) Permanently installed underground stables, battery-charging stations, substations, transformer stations, and stations for electrically operated pumps and compressors shall be ventilated by separate splits of air conducted directly to the main return air courses. Portable substations and battery charging stations shall be in well ventilated places.

(d) Changes in ventilation that materially affect the main air current or any split thereof shall be made when the mine is not in operation and with no men in the mine other than those engaged in changing the ventilation.

(e) The number of men on the same air current or split shall be limited to sixty; provided, however, that in an emergency, and with the approval of the chief and the district mine inspector, the number may be increased to as many as eighty for a period not exceeding thirty days.

(f) In gassy mines, haulage roads on which trolley equipment is operated shall be on pure intake air.

(5) Quality of air.

(a) Mine air in which men work or travel shall contain at least 20.0 percent oxygen, not more than 0.5 percent carbon dioxide, and shall not be contaminated with noxious or poisonous gases.

(b) If the air immediately returning from a split that ventilates any group of active workings contains more than 1.0 percent methane, as determined with a permissible flame safety lamp, by air analysis, or by other recognized means of accurate detection, the ventilation shall be improved.

(c) If the air immediately returning from a split contains 1.5 percent methane, the employes, except those necessary to

correct the condition, shall be withdrawn from the mine or portion of the mine affected, and all power shall be cut off from said mine or portion of the mine.

(d) When methane can be detected in a working place or in open abandoned workings with a flame safety lamp, or when such place contains more than one percent methane as determined by an electric methane detector or by chemical analysis, the ventilation shall be improved immediately. When the air in a working place contains more than two percent methane, the workers shall be withdrawn and power shall be cut off any electric machinery in the face region until the ventilation is improved; provided, however, that tests made in kerfs, boreholes, and crevices shall not be the basis for application of this subsection.

(6) Breakthroughs and stoppings.

(a) As working places advance, breakthroughs for air shall be made sixty feet apart, except where it is now permitted, with the approval of the chief and the district mine inspector, to drive to ninety feet before making breakthroughs.

(b) Breakthroughs between intake and return air courses shall be closed, except the one nearest the face; breakthroughs between rooms shall be closed where necessary to provide adequate ventilation at the working face.

(c) Where practicable, a breakthrough shall be provided at or near the face of each entry or room before the place is abandoned.

(d) Entries or rooms shall not be started off an entry beyond the last open breakthrough.

(e) Stoppings between intake and return air courses shall be built of substantial, incombustible material such as concrete, concrete blocks, brick, or tile; provided, however, that where physical conditions prohibit the use of such materials, timbers laid longitudinally "skin to skin" may be used. This does not prohibit the use of a temporary stopping in the second breakthrough outby the face.

(f) Stoppings shall be reasonably airtight.

(7) Doors, overcasts, and undercasts.

(a) The ventilation shall be so arranged by means of air locks, overcasts, or undercasts that the passage of haulage trips or persons along the entries will not cause interruptions of the air current; provided, however, that in mines or in developing sections where air locks are not practical, single doors shall be used to course the air and, unless operated mechanically, shall be attended constantly while the mine is in operation. Air locks shall be ventilated enough to prevent accumulations of methane therein.

(b) Doors shall be kept closed except when men or equipment are passing through the doorways. Motor crews and other persons who open doors shall see that the doors are closed before leaving them.

(c) Overcasts and undercasts shall be constructed tightly of incombustible material, such as masonry, concrete, concrete blocks, or prefabricated metal, of sufficient strength to withstand possible falls from the roof; they shall be of ample area to pass the required quantity of air and shall be kept clear of obstructions.

(8) Line brattice.

(a) Substantially constructed line brattice shall be used from the last open breakthrough of an entry or room when necessary to provide adequate ventilation for the workmen and to remove gas and explosive fumes. When damaged by falls or otherwise they shall be repaired promptly.

(b) The space between the line brattice and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable and noxious gases.

(c) Brattice cloth used underground shall be of flame-resistant material.

(9) Abandoned workings.

(a) Abandoned workings shall be posted to warn unauthorized persons against entering the territory.

(b) All abandoned workings shall be either sealed or ventilated.

(c) Where practice is to seal abandoned workings, the sealing shall be done in an effective manner with incombustible material. In every sealed area, one or more of the seals shall be fitted with a pipe and cap or valve to permit the gases behind the seals to be sampled and also to provide a means of determining any existing hydrostatic pressure. When required by the chief, drill holes shall be extended from the sealed area to the surface, or vent pipes shall be extended from the sealed area to a return air course.

(d) In gassy mines, air that has passed through abandoned workings and pillared-out and caved areas, that has passed by the unsealed entrances to abandoned workings, or that has been used to ventilate pillar lines, shall not be used to ventilate live face workings. Where intake air is coursed by seals of abandoned workings, such seals shall be leakproof and shall be inspected by a properly certified person at least once each shift.

(e) No person shall attempt to enter, explore, or survey an abandoned mine or portion thereof without the approval of the chief and the district mine inspector.

(10) Examinations for gas and other dangerous conditions.

(a) A mine shall be classed gassy under any one or more of the following conditions:

1. If methane has been ignited or has been found by means of a flame safety lamp or by chemical analysis in an amount of 0.25 percent or more in any open workings by a district or Federal mine inspector or other certified, dependable person.

2. If contiguous to a mine (in the same coal seam) in which methane has been ignited or has been found by means of a flame safety lamp or by chemical analysis in an amount of 0.25 percent or more in any open workings by a district or Federal mine inspector or other certified, dependable person.

3. If connected by any break or opening to a mine (in a different coal seam) in which methane has been ignited or has

been found by means of a flame safety lamp or by chemical analysis in an amount of 0.25 percent or more in any open workings by a district or Federal mine inspector or other certified, dependable person.

(b) Not less than two permissible flame safety lamps in proper working condition shall be kept available at each mine for the use of authorized persons.

(c) At mines employing twenty-five or more men, and in all gassy mines, foremen, whose regular duties require them to inspect working places for dangers, shall have in their possession, and shall use, when underground, a suitable permissible device capable of detecting methane and oxygen deficiency.

(d) All mines shall be examined for gas and other dangers by properly certified persons assigned specifically to make fire-boss examinations before other men are permitted to enter, regardless of whether the mine is being operated or is idle. In gassy mines, such certified persons shall begin their examination in the first working place in their assigned territory not more than three hours before each shift enters the mine; in nongassy mines they shall begin their examination in the first working place in their assigned territory not more than three hours before the first shift enters the mine.

(e) During the preshift examination the fire boss shall visit every live working place in the mine and inactive places adjacent thereto, and during such visit shall test for methane and oxygen deficiency with a suitable permissible device; examine all seals and doors; test and inspect the roof, face, and rib conditions in all working places visited; inspect active roadways, travelways, approaches to abandoned workings, and accessible falls in active sections for explosive gas and other dangers; be certain that the air is traveling in its regular course and in sufficient volume in each split; and he shall place his initials and the date at or near the face of each place examined.

(f) Where dangerous conditions are found, the fire boss shall fence off each approach to such place and place a "danger" sign thereon; no one but an authorized person shall pass such

danger sign, and then only for the purpose of examining the place or correcting the condition.

(g) Upon completing his examination, each fire boss shall, where practicable and before other men enter the mine, return to the surface and report in person to the mine foreman or a designated certified assistant; immediately upon reaching the surface, the fire boss shall record in ink or indelible pencil the result of his inspection in a regular fire-boss book kept on the surface for that purpose.

(h) Where it is impracticable for the fire boss to return to the surface following his examination, he shall record in ink or indelible pencil the result of his examination in a fire-boss record book kept in a fireproof vault underground, but before the shift is permitted to enter the mine, he shall report by telephone or other means the result of his examination to the mine foreman or a designated certified assistant on the surface, who shall record such report in the regular fire-boss book. Such report shall be signed by the person making the record and shall be countersigned by the fire boss upon his return to the surface.

(i) The record book of the fire boss shall at all times during working hours be accessible to any employe of the company and other interested persons. Each fire boss shall furnish the district office of the department, once each week, by regular mail at company expense, a true copy of such record, which shall be preserved.

(j) Idle and abandoned sections shall be inspected for gas and other dangerous conditions by a certified foreman or fire boss immediately before other employes are permitted to enter or work in such places. A certified official shall supervise the correction of exceptionally dangerous conditions.

(k) At least once each shift, or oftener if necessary for safety, while the men are in the mine, the working places in each mine shall be examined for dangers by a properly certified official. Such examination in mines employing twenty-five or more men, and in all gassy mines, shall include tests with a suitable permissible device for detecting methane and oxygen deficiency. Any danger found shall be eliminated promptly or

the men shall be withdrawn and the affected area fenced off and plainly marked with "danger" signs.

(l) Pillar workings shall be examined by a certified official for methane and other dangers before a fall is made purposely. If methane can be detected with a flame safety lamp, it shall be removed, if possible, before the fall is made. Where it is not practicable to remove the gas before such fall is made, all electric power shall be cut off that portion of the mine that might be affected, and all men except those necessary to complete the fall shall be removed from such area.

(m) Examinations for dangerous conditions, including tests for methane with a permissible flame safety lamp, a permissible methane detector, or by chemical analysis shall be made at least once each week by the mine foreman or other properly certified person designated by him. Such examinations and tests shall be made in the return of each split where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return airway in its entirety, idle workings, and, insofar as conditions permit, abandoned workings. The person making such examinations and tests shall mark his initials and the date at the places examined and, if dangerous conditions are found, they shall be reported promptly. A record of these examinations and tests shall be kept at the mine.

(n) The mine foreman and his assistants shall read and countersign promptly the daily reports of the fire bosses, and he shall read and countersign promptly the weekly report covering the examinations for dangerous conditions. Where such reports disclose dangerous conditions, the mine foreman shall take prompt action to have such conditions corrected. The mine superintendent, where such official is in charge at the mine, shall also read and countersign promptly the daily and weekly reports of the mine officials.

(o) Each day, the mine foreman and each assistant shall enter plainly and sign with ink or indelible pencil in a book provided for that purpose a report of the condition of the mine or portion thereof under his supervision, which report shall state clearly the location and nature of any danger observed by them

or reported to them during the day, and the report shall state what action, if any, was taken to remedy such danger.

(p) All records of daily and weekly reports required in this subsection shall be open for inspection by interested persons.

Section 33. *Coal and rock dust.* (1) Control of coal dust.

(a) Coal dust shall not be permitted to accumulate excessively in any part of the active workings, including working places about to be abandoned.

(b) Where mining operations raise an excessive amount of dust into the air, water or water with a wetting agent added to it or other effective methods shall be used to allay such dust at its source.

(2) Rock dusting.

(a) All mines, except those mines or parts thereof in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock-dusted to within forty feet of all active working faces, and all open breakthroughs within the forty-foot zone shall be rock-dusted. Provided, however, that in longwall and longface operations, the rock-dust applications shall be maintained to within twelve feet of the active working faces.

(b) In mines rock-dusted partially, or in mines that are required to start rock dusting, haulageways and parallel entries connected thereto by open breakthroughs shall be rock-dusted. Back entries shall be rock-dusted for at least one thousand feet outby the junction with the first active entry. Inby this junction, the rooms, entries, and breakthroughs shall be rock-dusted by generalized rock-dusting as provided for in paragraph (a) of this subsection.

(c) Where rock dust is required, it shall be distributed upon the top, floor, and sides and maintained in such quantity that the incombustible content of the mine dust shall be not less than sixty-five percent; provided, however, that when methane is present in any ventilating current, the sixty-five percent incombustible matter shall be increased in the effected area one percent for each 0.1 percent methane.

Section 34. *Transportation.* (1) Hoisting.

(a) Where men are transported into or out of a mine, underground, or on surface inclines by hoists, a qualified hoisting engineer shall be on duty continuously at each hoist necessary to provide immediate transportation while any person is underground; provided, however, that this shall not apply to automatically operated elevators that can be operated safely by any workman.

(b) A hoist used for handling men shall be equipped with overspeed, overwind, and automatic stop controls, unless a second engineer is on duty, and a stop control is provided for his immediate use.

(c) The hoisting engineer shall operate the empty cages up and down the shaft at least one round trip at the beginning of each shift and after the hoist has been idle for one hour or more before hoisting or lowering men. Similar procedure shall be followed in slope and surface incline hoisting except that an attendant may ride on the trip.

(d) Slope, shaft, or surface incline hoists shall be equipped with brakes capable of stopping and holding the fully loaded unbalanced cage or trip at any point in the shaft, slope, or on the incline.

(e) An accurate and reliable indicator, showing the position of the cage or trip, shall be placed so as to be in clear view of the engineer, unless the position of the car or trip is clearly visible to the engineer at all times.

(f) Hoisting equipment including the headgear, cages, ropes, connections, links and chains, shaft guides, shaft walls, and other facilities shall be inspected daily by a competent person designated by the management. Such inspector shall report immediately to his superior any defects found, and any such defect shall be corrected promptly. The person making such examination shall make a daily permanent record of each inspection, which shall be open for inspection by interested persons.

(g) Hoisting ropes on all cages or trips shall be adequate in size to handle the load and have a proper factor of safety.

Ropes used to hoist or lower coal and other materials shall have a factor of safety of not less than five to one; ropes used to hoist or lower men shall have a factor of safety of not less than ten to one. The rope shall be replaced as soon as there is evidence of possible failure.

(h) The rope shall have at least three full turns on the drum when extended to its maximum working length and shall make at least one full turn on the drum shaft or around the spoke of the drum, in case of a free drum, and be fastened securely by means of clamps.

(i) The hoisting rope shall be fastened to its load by a spelter-filled socket or by a thimble and adequate number of clamps properly spaced and installed.

(j) Any rope attached to a cage, man-car, or trip used for hoisting or lowering men shall be provided with two bridle chains or cables connected securely to the rope at least three feet above the socket or thimble and to the crosspiece of the cage or to the man-car or trip.

(2) Cages, shafts, slopes, and surface inclines.

(a) Cages used for hoisting men shall be of substantial construction; with adequate steel bonnets; with enclosed sides; with gates, safety chains, or bars across the ends of the cage when men are being hoisted or lowered; and with sufficient handholds or chains for all men on the cage to maintain their balance. A locking device to prevent tilting of the cage shall be used on all self-dumping cages when men are transported thereon.

(b) The floor of the cage shall be constructed so that it will be adequate to carry the load and so that it will be impossible for a workman's foot or body to enter any opening in the bottom of the cage.

(c) Cages used for handling men shall be equipped with safety catches that act quickly and effectively in an emergency.

(d) A test of safety catches on cages shall be made at least once each month. A written record shall be kept of such tests, and such record shall be open for inspection by interested persons.

(e) The speed of the cage, car, or trip in shafts, slopes, or on surface inclines shall not exceed six hundred feet a minute when men are being hoisted or lowered.

(f) Two independent means of signaling shall be provided between the top, bottom, and all intermediate landings of shafts, slopes, and surface inclines and the hoisting station. At least one of these means of signaling shall be audible to the hoisting engineer.

(g) An approved signal code shall be in use at each mine and shall be posted prominently in the engine room in easy sight of the engineer and at all regular signal stations.

(h) Workmen shall wear safety belts while doing work in or over shafts. When men are working in the shaft, a qualified attendant shall be on duty at the cage station designated by the shaftman.

(i) When men are being hoisted or lowered in shafts, slopes, or on surface inclines, the loading and unloading of men and movement of the cage, car, or trip shall be under the direction of qualified attendants.

(j) All shafts shall be equipped with safety gates at the top and at each landing. Where possible, such gates shall be self-closing and shall be kept closed except when the cage is being loaded or unloaded.

(k) Positive stopblocks or derails shall be placed near the top and at intermediate landings of slopes and surface inclines and at the approaches to all shaft landings.

(l) At the bottom of each hoisting shaft and at intermediate landings, a "run-around" shall be provided for safe passage from one side of the shaft to the other. This passageway shall be not less than five feet in height and three feet in width.

(m) Ice shall not be permitted to accumulate excessively in any shaft where men are hoisted or lowered.

(n) No person shall ride on a loaded cage.

(o) When the escape and fan shafts are combined, the side or end used for an escape outlet and the part used for ven-

tilating purposes shall be separated by a good, substantial, airtight, fireproof partition from top to bottom, and the shaft lining shall be of fireproof construction; provided, however, that this does not apply to shafts in use at the time of the effective date of this Act.

(3) Haulage roads.

(a) The roadbed, rails, joints, switches, frogs, and other elements of the track of all haulage roads shall be constructed, installed, and maintained in a manner consistent with speed and type of haulage operations being conducted to insure safe operation.

(b) All track switches shall be provided with properly installed throws, latches, and bridle bars.

(c) Track switches, except those in rooms and in entry development, shall be equipped with properly installed guardrails.

(d) Switch throws and stands shall be on the clearance side.

(e) Haulage tracks shall be kept free of coal spillage and debris.

(f) Roadbeds shall be kept well drained.

(g) Rails shall be secured at all joints by means of plates or weld.

(h) Shuttle-car haulage roads shall be maintained free of bottom irregularities, excess spillage, debris, and wet or muddy conditions that make it difficult to control the shuttle car.

(4) Clearance and shelter holes.

(a) Track-haulage roads in entries, rooms, and breakthroughs developed after the effective date of this Act shall have a continuous clearance on one side of at least twenty-four inches from the farthest projection of moving traffic and shall be free of any obstruction to a height of six and one-half feet where the height of the entry permits. Shuttle-car haulageways shall be at least four feet wider than the widest part of the shuttle car

operated therein and, where the height of the entry permits, shall be free of protruding coal or rock to a height of six and one-half feet on the operator's side.

(b) Track-haulage roads in entries, rooms, and breakthroughs developed after the effective date of this Act shall have a continuous clearance on the "tight" side of at least twelve inches from the farthest projection of moving traffic.

(c) On haulage roads where trolley lines are used, the clearance for traveling shall be on the side opposite the trolley lines, except where such lines are six and one-half feet or more above the rail.

(d) The clearance space on all track-haulage roads shall be kept free of loose rock, loose coal, supplies, and other loose materials; provided, however, that not more than twenty-four inches need be kept free of obstructions.

(e) Parallel tracks installed after the effective date of this Act shall be far enough apart to allow a clearance of at least twenty-four inches between the outermost projections of passing traffic.

(f) Ample clearance shall be provided at conveyor-loading heads, at conveyor-control panels, and along conveyor lines.

(g) Track-haulage roads in entries developed after the effective date of this Act shall have a vertical clearance of at least twenty-four inches above the top of any locomotive operated thereon.

(h) Where it is necessary for men to cross conveyors regularly, suitable crossing facilities shall be provided.

(i) Shelter holes shall be provided at intervals of not more than sixty feet along all haulage entries, except conveyor entries or where animal haulage is used.

(j) Shelter holes made after the effective date of this Act shall be at least five feet in depth, not more than four feet in width, and six feet in height, or as high as the traveling space, if the traveling space is less than six feet high. Room necks and breakthroughs may be used as shelter holes even though their width exceeds four feet.

(k) Shelter holes shall be kept clear of refuse and other obstructions.

(l) Shelter holes shall be provided at manually operated doors and at switch throws, except where more than six feet of side clearance is maintained and at room switches.

(m) At each underground slope landing where men pass and cars are handled, a shelter hole at least ten feet in depth, four feet in width, and six feet in height shall be provided.

(n) Upon the approach of moving traffic, persons not engaged in haulage operations shall take refuge in shelter holes or other places of safety.

(5) Haulage equipment.

(a) Locomotives, mine cars, shuttle-cars, supply cars, conveyors, and all other haulage equipment shall be maintained in a safe operating condition.

(b) All track-mounted self-propelled mobile equipment and shuttle cars for use underground and ordered after the effective date of this Act shall be equipped with safe and comfortable seating facilities for the operator and necessary helpers.

(6) Safety devices and practices.

(a) Locomotives shall be equipped with proper devices, including lifting jacks, which shall be used for the rerailing of locomotives and cars.

(b) An audible warning device and headlights shall be provided on each locomotive, shuttle-car, and any other self-propelled mobile equipment.

(c) A permissible trip light shall be used on the rear of trips pulled and on the front of pushed trips and trips lowered in slopes; provided, however, that trip lights need not be used on cars being shifted to and from loading machines, on cars being handled at loading heads, during gathering operations at working faces, or on trips pulled by animals.

(d) Pushing of cars on main haulage roads shall be prohibited, except where necessary to push cars from sidetracks

located near the working section to the producing entries and rooms, where necessary to clear switches and sidetracks, and on the approach to cages, slopes, and surface inclines.

(e) Where track haulage is used, sidetracks shall be provided as near as feasible to the working places.

(f) Back-poling shall be prohibited except at places where the trolley pole cannot be reversed or when going up extremely steep grades and then only at very slow speed.

(g) No person, other than the motorman and brakeman, shall ride on a locomotive. No person shall ride on any loaded car or on the bumper of any car; provided, however, that the brakeman may ride on the rear bumper of the last car of a trip pulled by locomotive, and an animal driver and trip rider of a rope trip shall ride in the safest possible position on the trip.

(h) No person shall get on or off moving locomotives or cars being moved by locomotives; provided, however, that the brakeman may get on or off the rear end of a slowly moving trip.

(i) Operators of shuttle cars shall face in the direction of travel.

(j) All trips and locomotives shall come to a complete stop before cars are coupled or uncoupled by hand.

(k) Standing cars on any track, unless held effectively by brakes, shall be properly blocked or spragged. Cars shall be secured effectively at working faces.

(l) Positive-acting stopblocks or derails shall be used where necessary to protect persons from danger of moving or run-away haulage equipment.

(m) Timbers and other materials not necessary for the operation of locomotives, cutting machines, loading machines, and coaldrilling machines, shall not be transported on such equipment.

(n) Slides, skids, or other adequate means shall be used on descending trips on grades where the locomotive is not adequate to control the trip, and where practicable, a drag shall be used on ascending trips.

(o) Material being transported shall be so loaded and protected that there is no danger to the motorman or brakeman from sliding of equipment and material.

(p) Where seating facilities are provided on self-propelled mobile equipment, the operator shall be seated before such equipment is moved.

(q) Operators of self-propelled equipment shall sound a warning before starting such equipment and on approaching curves, sidetracks, doors, curtains, manway crossings, or any other place where persons are or likely to be.

(r) Locomotives following other trips shall maintain a distance of three hundred feet from the rear end of the preceding trip or locomotive.

(s) Brakeman shall always stand in the clear during switching operations.

(t) Where block signals are used, not more than one locomotive, except pushers, shall operate in any signal block at the same time unless by special authority.

(u) Where a dispatcher is employed to control trips, traffic under his jurisdiction shall travel only at his direction.

(7) Transportation of men.

(a) Man-trips operated by means of locomotive shall be pulled, and at safe speeds, consistent with the condition of roads and type of equipment used, and shall be so controlled that they can be stopped within the limits of visibility.

(b) Each man-trip shall be under the charge of a certified official, and it shall be operated independently of any loaded trip of coal or other material.

(c) Man-trip cars shall be maintained in safe operating condition, and enough of them shall be provided to prevent their being overloaded.

(d) No person shall ride under the trolley wire unless suitable covered man-cars are used.

(e) Supplies or tools shall not be transported in the same

car or cage with men on any man-trip, except in special compartments in such cars, and all persons shall ride inside the cars except the motorman and trip rider.

(f) Men shall not board or leave moving man-trip cars; they shall remain seated while in moving cars, and shall proceed in an orderly manner to and from man-trips.

(g) A waiting station with sufficient room, ample clearance from moving equipment, and adequate seating facilities shall be provided where men are required to wait for man-trips or man cages, and the men shall remain in such station until the man-trip or man cage is ready to load. Men shall be permitted to unload from man-trips only at man-trip stations, except that persons assigned to special duties along man haulageways many unload at any point if clearange from moving equipment is provided and trolley and bare power wires are guarded effectively.

(h) Trolley and power wires shall be guarded effectively at man-trip stations where there is a possibility of any person coming in contact with energized electric wiring while boarding or leaving the man-trip. Deenergizing switches, used in conjunction with signal lights to indicate when such wires have been deenergized, may be used in lieu of guards at man-trip stations.

(i) When belts are used for transporting men, such belts shall be free of loose materials, and a minimum clearance of eighteen inches shall be maintained between the belt and the roof or cross bars, projecting equipment, cap pieces, overhead cables, wiring, and other objects; but where the height of the coal bed permits, the clearance shall not be less than twenty-four inches. Control switches shall be provided at all places where men board or leave belts regularly.

(j) The belt speed shall not exceed two hundred fifty feet a minute while men are being transported, and such belt shall be stopped while men are boarding or leaving.

(k) The space between men riding on a belt line shall be not less than five feet.

(l) Adequate clearance and proper illumination shall be provided where men board or leave conveyor belts.

(m) An official or other responsible person designated by him shall be in attendance while men are boarding or leaving belts.

(n) The use of slides for lowering persons on slopes or inclines is prohibited.

Section 35. *Electricity.* (1) Surface transmission lines.

(a) Overhead high-potential power lines shall be placed at least fifteen above the ground and twenty feet above driveways and haulageways, shall be installed on insulators, and shall be supported and guarded to prevent contact with other circuits.

(b) Surface transmission lines including trolley circuits shall be installed on insulators, and shall be supported and guarded to prevent contact with other circuits.

(c) Surface transmission lines including trolley circuits shall be protected against short circuits and lightning. Each exposed power circuit that leads underground shall be equipped with lightning arresters of approved type at the point where the circuit enters the mine.

(d) Electric wiring in surface buildings shall be installed so as to prevent fire and contact hazards.

(2) Transformer stations.

(a) Unless surface transformers are isolated by elevation of eight feet or more above the ground, they shall be enclosed in a transformer house or surrounded by a suitable fence at least six feet high. If the enclosure or fence is of metal, it shall be grounded effectively. The gate or door to the enclosure shall be kept locked at all times, unless authorized persons are present.

(b) Surface transformers containing flammable oil and installed where they present a fire hazard (near mine openings or in or near combustible buildings) shall be provided with means to drain or to confine the oil in event of rupture of the transformer casing.

(c) All transformers ordered after the effective date of this Act for use underground shall be air cooled or filled with nonflammable liquid or inert gas.

(d) Permanent underground transformers containing flammable liquid shall be in rooms of fireproof construction. Such rooms shall be provided with automatic fire doors and door sills, or their equivalent, that will confine the liquid in event of rupture of the transformer casing.

(e) Portable underground transformers containing flammable liquid shall be in fireproof housings or enclosures, which shall be provided with automatic fire doors, and means shall be provided for confining the liquid in event of rupture of the transformer casing.

(f) Suitable danger signs shall be posted conspicuously at all transformer stations on the surface and underground.

(g) All transformer stations on the surface and underground shall be kept free of nonessential combustible materials and refuse.

(h) Transformer stations shall not be installed underground until such installation has been approved in writing by the chief.

(3) Substations, battery-charging stations, electrically operated pumps and compressors.

(a) Permanently installed underground substations, battery-charging stations, and electrically operated pumps and compressors shall be in fireproof rooms, which shall be provided with fireproof doors that close automatically in case of fire.

(b) Portable underground substations and battery-charging stations shall be in fireproof enclosures or fireproof rooms which shall be provided with automatic fire doors; provided, however, that this shall not apply to essentially fireproof self-contained substations.

(c) All surface and underground substations, battery-charging stations, pump stations, and compressor stations shall be kept free of nonessential combustible materials and refuse.

(d) All housings enclosing oil switchgear shall be ventilated effectively.

(e) Reverse-current protection shall be provided at stor-

age-battery charging stations to prevent the storage batteries from energizing the power circuits in the event of power failure.

(4) Power circuits.

(a) All underground power wires and cables shall have adequate current-carrying capacity, shall be guarded from mechanical injury, and installed in a permanent manner.

(b) Wires and cables not incased in armor shall be supported by well installed insulators and shall not touch combustible materials, roof, or ribs; provided, however, that this shall not apply to ground wires, grounded power conductors, and trailing cables.

(c) Power wires and cables installed in rope-and belt-haulage slopes shall be insulated adequately and buried in a trench not less than twelve inches below combustible material, unless otherwise fully protected against mechanical injury.

(d) Splices in power cables shall be made in accordance with the following:

1. Mechanically strong with adequate electrical conductivity.

2. Effectively insulated and sealed so as to exclude moisture.

3. If the cable has metallic armor, mechanical protection and electrical conductivity equivalent to that of the original armor shall be provided.

(e) All underground transmission cables shall be:

1. Installed only in regularly inspected airways.

2. Covered, buried, or placed so as to afford protection against damage by wrecked trips, trolley equipment, roof falls, and blasts.

3. Guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail.

4. Securely anchored, properly insulated, and guarded at ends.

5. Covered, insulated, or placed to prevent contact with trolley and other low-voltage circuits.

(f) All power wires and cables shall be insulated adequately where they pass into or out of electrical compartments, where they pass through doors and stoppings, and where they cross other power wires and cables.

(g) Where track is used as a power conductor:

1. Both rails of main-line tracks shall be welded or bonded at every joint, and cross bonds shall be installed at intervals of not more than two hundred feet. If the rails are are paralleled with a feeder circuit of like polarity, such parallel feeder shall be bonded to the track rails at intervals of not more than one thousand feet.

2. At least one rail on secondary track-haulage roads shall be welded or bonded at every joint, and cross bonds shall be installed at intervals of not more than two hundred feet.

3. Track switches on entries shall be well bonded.

4. In rooms where electric equipment is dependent upon the room track rails as a power conductor, rail joints shall be secured by means of fish plates, angle bars, or the equivalent, and at least one rail shall be bonded at each joint; provided, however, that rails in rooms in gassy mines shall not be used as power conductors.

(h) All power circuits and electric equipment shall be deenergized before work is done on them; provided, however, that employes may, where necessary, repair energized trolley wires if they wear insulated shoes and lineman's gloves.

(i) Trolley wires and trolley feeder wires shall be installed on the side of the entry opposite the clearance space and shelter holes, except where the wires are guarded or six and one-half feet or more above the top of the rail.

(j) Trolley-wire hangers shall be so spaced that the wire may become detached from any one hanger without creating a shock hazard.

(k) Trolley wires shall be alined properly and installed on insulated hangers at least six inches outside the rail.

(l) Trolley wires and trolley feeder wires installed after the effective date of this Act shall be provided with cut-out switches at intervals of not more than fifteen hundred feet and near the beginning of all branch lines.

(m) Trolly wires and trolly feeder wires shall be kept taut and not permitted to touch the roof, ribs, timbers, or any combustible material.

(n) Trolley wires and trolley feeder wires shall be guarded adequately at both sides of doors and at all places where it is necessary to work or pass under them unless they are more than six and one-half feet above the top of the rail.

(o) Trolley wires and trolley feeder wires shall not be installed in rooms in gassy mines.

(p) Trolley wires and trolley feeder wires shall not extend beyond any open breakthrough between intake and return airways, and shall be kept at least one hundred fifty feet from any active, open pillar workings.

(q) Trolley wires and trolley feeder wires shall be guarded, anchored securely, and insulated properly at the ends.

(r) Trolley wires and trolley feeder wires shall be installed only in pure intake air in gassy mines.

(s) In any new mine or any old mine that may be reopened and reequipped after the effective date of this Act, trolley wires or other exposed conductors shall not carry more than three hundred volts.

(5) Grounding.

(a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continous throughout and shall be grounded effectively.

(b) Metallic frames, casings, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively, or equivalent protection shall be provided.

(c) When electric equipment is operated from three-phase alternating current circuits originating in transformers connected to provide a neutral point on the secondary winding, a continuous grounding conductor of ample size shall be installed and connected to the neutral point and to the frames of the power-utilizing equipment. Such grounding conductors shall be grounded at the neutral point and at intervals along the conductor if feasible. A suitable circuit breaker or switching device shall be connected in the secondary power circuit and be provided with a ground-trip relay coil connected in series with the grounding conductor to provide effective ground-fault tripping.

(6) Circuit breakers, switches, and switchboards.

(a) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and power circuits against excessive overload; provided, however, that this does not apply to locomotives operated regularly on grades exceeding five percent. Wires or other conducting materials shall not be used as a substitute for properly designed fuses, and circuit-breaking devices shall be maintained in good operating condition.

(b) Operating controls, such as switches, starters, and switch buttons, shall be so installed that they are readily accessible and can be operated without danger of contact with moving or live parts. Provision shall be made for locking starting equipment in the "Off" position to prevent accidental application of power.

(c) Disconnecting switches shall be installed underground in all main power circuits within five hundred feet of the bottoms of shafts and boreholes, and at other places where main power circuits enter the mine.

(d) Electric equipment and circuits shall be provided with switches or other controls of safe design, construction, and installation.

(e) Dry wooden platforms, insulating mats, or other electrically nonconductive material shall be kept in place at each switchboard, power-control switch, and at stationary machinery where shock hazards exist.

(f) Resistors or rheostats shall be installed in such a manner as not to create a fire hazard, and shall be guarded adequately against personal contact.

(g) When not in use, power circuits underground shall be deenergized on idle days and idle shifts.

(h) Electric parts, such as switches, circuit breakers, rheostats, relays, and fuses, shall be installed on switchboards or mounted on incombustible bases of slate or equivalent insulating material.

(i) Switchboards installed after the effective date of this Act shall be located so that ample room will be provided between the switchboard and passageways or lanes of travel and shall have an entrance at each end to permit authorized persons to inspect, adjust, or repair apparatus back of the board. Switchboards shall have the entrance to the rear guarded against entrance of unauthorized persons, unless in a building that is kept locked.

(j) Switchboards shall be well lighted for switch operations in the front and for repair and maintenance in the rear.

(k) Rooms housing switchboards shall not be used for the storage of combustible materials, and shall be kept free of debris and refuse.

(1) Suitable danger signs shall be posted conspicuously at all high-potential switchboard installations.

(7) Communication systems.

(a) Telephone service or equivalent two-way communication facilities shall be provided between the top and each landing of main shafts and slopes and in all mines between the surface and each working section that is more than fifteen hundred feet from the main portal.

(b) Telephone lines, other than cables, shall be carried on insulators, installed on the opposite side from power or trolley wires, and where they cross power or trolley wires, they shall be insulated adequately.

(c) Lightning arresters shall be provided at the points

where telephone circuits enter the mine and at each telephone on the surface.

(d) If a communication system other than telephones is used and its operation depends entirely upon power from the mine electric system, means shall be provided to permit continued communication in event the mine electric power fails or is cut off.

(8) Signal systems.

(a) Signal wires shall be supported on insulators and insulated properly where they cross power lines.

(b) Bare signal wires that are readily accessible to personal contact shall not carry more than thirty volts.

(9) Electric equipment.

(a) Electric equipment purchased for or transferred to any gassy mine after the effective date of this Act for use in other than pure intake air shall be permissible equipment approved by the United States Bureau of Mines.

(b) Permissible equipment used in gassy mines shall be maintained in permissible condition, operated in accordance with the Bureau of Mines permissibility requirements, and bear the Bureau of Mines approval identification.

(c) Electric equipment shall not be taken into or operated in any place where methane can be detected with a flame safety lamp.

(d) In all gassy mines, inspections for methane shall be made before any electrically driven equipment is taken or operated inby the last open breakthrough, and, while such equipment is in operation, tests for methane shall be made at intervals of not more than ten minutes.

(e) In any new mine or any old mine that may be reopened and reequipped after the effective date of this Act, electric power for face equipment shall be limited to three hundred volts between any conductors and ground, except that the voltage for hand-held electric equipment shall not exceed two hundred fifty.

(10) Trailing cables.

(a) Trailing cables purchased for or transferred to any mine after the effective date of this Act for use underground shall meet the United States Bureau of Mines requirements for flame-resistant cables.

(b) Trailing cables shall be provided with suitable short-circuit protection and means of disconnecting power from the cable. In gassy mines, power connections made in other than pure intake air shall be by means of permissible equipment.

(c) Temporary splices in trailing cables shall be made in a workmanlike manner, mechanically strong, and well insulated.

(d) The number of temporary, unvulcanized splices in a trailing cable shall be limited to four, and to one in a hand cable.

(e) Permanent splices in trailing cables shall be made as follows:

1. Mechanically strong with adequate electrical conductivity and flexibility.

2. Effectively insulated and sealed so as to exclude moisture.

3. The finished splice shall be vulcanized or otherwise treated with suitable materials to provide flame-resistant properties and good bonding to the outer jacket.

(f) Trailing cables purchased after the effective date of this Act for use on cable-reel locomotives shall be of the two-conductor type.

(g) Trailing cables shall be protected against mechanical damage.

(11) Electrical inspections.

(a) Electric equipment and wiring shall be inspected by a competent person at least once a month and more often if necessary to assure safe operating conditions, and any defect found shall be corrected. A report of such inspection shall be made and shall be available for inspection by interested persons.

(12) Underground illumination.

(a) Electric-light wires shall be supported by suitable insulators, or installed in conduit, fastened securely to the power conductors, and not permitted to touch combustible material.

(b) Electric lights shall be installed so that they cannot come in contact with combustible materials.

(c) Lamp sockets with exposed metal parts shall not be used underground.

Section 36. *Safeguards for mechanical equipment.* (1) Face equipment.

(a) The cutter chains of mining machines shall be locked securely by mechanical means or electrical interlocks while such machines are parked or being trammed.

(b) Drilling in rock shall be done wet, or other means of dust control approved by the United States Bureau of Mines shall be used.

(c) Electric drills or other electrically operated rotating tools intended to be held in the hands shall have the electric switch constructed so as to break the circuit when the hand releases the switch or shall be equipped with properly adjusted friction or safety clutches.

(2) Shop and other equipment.

(a) The following shall be guarded adequately:

1. Gears, sprockets, pulleys, fan blades or propellers, friction devices, and couplings with protruding bolts or nuts.

2. Shafting and projecting shaft ends that are within seven feet of floor or platform level.

3. Belt, chain, or rope drives that are within seven feet of floor or platform.

4. Fly wheels. Where fly wheels extend more than seven feet above the floor, they shall be guarded to a height of at least seven feet.

5. Circular and band saws and planers.

6. Repair pits. Guards shall be kept in place when the pits are not in use.

7. Counterweights.

8. Mine fans. The approach to each side shall be guarded.

(b) Machinery shall not be repaired or oiled while in motion; provided, however, that this shall not apply where safe remote oiling devices are used.

(c) A guard or safety device removed from any machine shall be replaced before the machine is put in operation.

(d) Mechanically operated grinding wheels shall be equipped with:

1. Safety washers and tool rests.

2. Substantial retaining hoods, the hood opening of which shall not expose more than 90° sector of the wheel.

3. Eyeshields, unless goggles are worn by the operators.

Section 37. *Underground fire prevention, fire control, and mine disasters.* (1) Fire prevention and control.

(a) Each mine shall be provided with suitable fire-fighting equipment, adequate for the size of the mine, such as supplies of rock dust at doors and at other strategic places, water lines and hose, water or chemical trucks, and fire extinguishers.

(b) Clean dry sand, rock dust, or fire extinguishers, suitable from a toxic and shock standpoint, shall be provided and placed at each electrical station, such as substations, transformer stations, and permanent pump stations, so as to be out of the smoke in case of a fire in the station, and suitable fire extinguishers shall be provided on all self-propelled mobile equipment, at belt heads, and at the inby end of belts.

(c) An examination for fire shall be made after every blasting operation underground.

(d) Should a fire occur, the person discovering it, and any persons in the vicinity of the fire, shall make a prompt effort to extinguish it.

(e) When a fire that may endanger the men underground cannot be extinguished immediately, the men shall be withdrawn promptly from the mine.

(f) Underground storage places for oil, grease, and flammable hydraulic fluid shall be of fireproof construction.

(g) Oil, grease, and flammable hydraulic fluid kept underground for current use shall be in closed metal containers.

(h) Hay or straw shall be transported form the surface to underground stables in enclosed incombustible cars. It shall be stored in a fireproof structure apart from the stable or in a fireproof compartment within the stable.

(i) Provisions shall be made to prevent accumulation of spilled oil or grease at the storage places or at the locations where such materials are used.

(j) Belt conveyors shall be equipped with control switches to automatically stop the driving motor in the event the belt is stopped by slipping on the driving pulley, by breakage, or other accident.

Section 38. *Miscellaneous.* (1) Approaching abandoned workings.

(a) Whenever any working place approaches within two hundred feet of an abandoned mine or the abandoned workings of an adjacent active mine that are not inspected regularly, boreholes shall be kept at least twenty feet in advance of the face, and 45° angle rib holes shall be drilled at least twenty feet deep. Such holes shall be not more than eight feet apart.

(b) Whenever any working place approaches within fifty feet of worked out or abandoned areas within the same mine for which accurate maps of such area are available, and which are not inspected regularly, boreholes shall be kept at least twenty feet in advance of the face, and 45° angle rib holes shall be drilled twenty feet deep. Such holes shall be not more than eight feet apart.

(2) Mine openings and escapeways.

(a) Every underground mine shall have at least two sepa-

rate surface openings except as provided for in paragraphs (e) and (f) of this subsection.

(b) The distance between shafts and slopes at any mine opened after the effective date of this Act shall be not less than one hundred fifty feet, and the distance between drift openings at such mines shall be not less than fifty feet.

(c) New shafts and partitions therein made after the effective date of this Act shall be fireproof; provided, however, that buntons and guides may be of wood.

(d) Mine openings shall have adequate protection against surface fires, fumes, smoke, and water from floods entering the mine.

(e) Not more than twenty persons shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such work shall be prosecuted with reasonable diligence.

(f) When only one main opening is available, owing to final mining of pillars, not more than twenty persons shall be allowed in such mine at any one time; provided, however, that the distance between the mine opening and workings shall not exceed five hundred feet.

(g) If any coal mine has but one means of ingress and egress for persons employed therein, and the owner does not own suitable ground for another opening, the owner may select appropriate adjacent ground for that purpose and have it condemned, by proceedings similar to those allowed for securing a private passway, in the county court of the county where the mine is situated.

(h) There shall be at least two separate and distinct travelable passageways to be designated as escapeways from each working section to the surface of every mine. Such escapeways, one of which may be the haulageway, shall comply with the following provisions:

1. They shall be kept in safe condition for travel and reasonably free from falls, standing water, and other obstructions to the extent that men can escape quickly in an emergency.

2. One of such escapeways shall be ventilated with intake air.

(i) Where the designated escapeways are shafts:

1. They shall be equipped with hoist and cage or with travelable stairway or ladders maintained in good repair and in safe condition. No shaft more than thirty feet deep sunk after the effective date of this Act shall be equipped with ladders.

2. Stairways shall be of substantial construction, set at an angle not greater than 45° with the horizontal, and equipped on the open side with a suitable handrail; landing platforms shall be at least two feet wide and four feet long and shall be railed properly.

3. Ladders shall be anchored securely.

4. Permanently installed ladders that are more than ten feet in length and that are set on an angle of 60° or more with the horizontal shall be provided with substantial backguards, and all ladders shall be maintained in good repair.

5. Where ladders or stairways set at an angle greater than 45° are now installed, their use may be continued provided they are of substantial construction, with platforms at intervals of not more than thirty feet, and equipped with suitable handrails in the case of stairways.

(j) If a designated escapeway is a slope of not more than 45°, it shall be equipped with a stairway or adequate walkway with cleats. If the slope is more than 45°, stairways shall be installed.

(k) Direction signs shall be posted conspicuously at all points of intersections with other passageways to indicate manways and designated escapeways.

(l) Good housekeeping shall be practiced underground.

(m) All unused, abandoned, and isolated surface openings shall be effectively protected against unauthorized entrance.

(5) Portable illumination.

(a) All persons underground shall use only permissible electric lamps for portable illumination.

(b) Light bulbs on extension cables shall be guarded adequately.

(6) Checking system.

(a) Each mine shall have a check-in and check-out system that will provide positive identification upon the person of every individual underground. An accurate record of the men in the mine, which shall consist of a written record, a check board, or a time-clock record, shall be kept on the surface in a place that will not be affected in the event of an explosion. Said record shall bear a number identical to the identification check carried by the person underground.

(7) Arcs, sparks, and flames.

(a) Smoking, the carrying of matches, other flame-making devices, and smoker's articles and the intentional creation of any arc, spark, or open flame, except as provided in paragraph (b), shall be prohibited in all gassy mines.

(b) Welding and cutting with arc or flame or soldering underground in other than a fireproof enclosure ventilated with pure intake air shall be done under the direct supervision of a certified official who shall test for methane before and during such operations in gassy mines and shall make a diligent search for fire after such operations in all mines. Rock dust or suitable fire extinguishers shall be immediately available during such welding or cutting.

(8) Protective clothing.

(a) All persons shall wear protective hats while underground and also while on the surface where falling objects may cause injury.

(b) Protective footwear shall be worn by employes, officials, and others while on duty in and around a mine where falling objects may cause injury.

(c) All employes inside or outside of mines shall wear ap-

proved-type goggles or shields where there is a hazard from flying particles.

(d) Welders and helpers shall use proper shields or goggles to protect their eyes.

(e) Employes engaged in haulage operations and other persons employed around moving equipment on the surface and underground shall wear snug-fitting clothing.

(f) Protective gloves shall be worn when material which may injure the hands is handled, but gloves with gauntlet cuffs shall not be worn around moving equipment.

(g) men exposed for short periods to gas-, dust-, fume-, and mist-inhalation hazards shall wear permissible respiratory equipment. When the exposure is for prolonged periods, other measures to protect workmen or to reduce the hazard shall be taken.

(9) Internal combustion engines shall not be permitted in any coal mine.

(10) Oily rags, oily waste, and waste paper shall be kept in closed metal containers until removed for disposal.

(11) Procedure when no map filed or map incorrect.

(a) If the operator or superintendent of any mine fails to furnish to the chief any map required by this Act the chief may cause a correct survey and map of the mine or extensions thereof to be made at the expense of the owner, lessee, or operator of the mine, and the cost of the map shall be recoverable from the owner, lessee, or operator in the same manner as debts are recoverable by law. If at any time the chief has reason to believe that any map furnished under section 15 of this Act is materially incorrect, so that it will not serve the purpose for which it was intended, he may have a survey and map made or corrected, and the expense of making the survey, map, or correction shall be paid by the owner, lessee, or operator of the mine, or recovered in the same manner as debts are recoverable by law; but if the map furnished by the operator or superintendent is found to be correct, the expense of the survey and drafting of the map shall be paid by the state.

(12) Certification of map.

(a) The correctness of each map provided for in this Act shall be certified by the person making the map, as follows:

"I, the undersigned, hereby certify that this map is correct, shows to the best of my knowledge and belief all information required by the mining laws of this state and covers the period ending _____ _____, Engineer.

"Acknowledged before me, a _____ this _____day of _____"

_____

_____

(b) The chief may reject any map as incomplete if its accuracy is not so attested.

(13) Duplicate maps; survey of abandoned or closed mine.

(a) The chief shall, upon the application of any owner, lessee, or operator, make or cause to be made, at the expense of the applicant, a duplicate of any map on file in his office of any mine owned, leased, or operated by the applicant.

(b) No copy of such a map shall be made without the consent of the owner, lessee, or operator, except that when the owner of any land adjacent to or near the land of the owner, lessee, or operator files an affidavit with the chief showing ownership of the adjacent or nearby land, and alleging that he believes that the owner, lessee, or operator is encroaching upon or mining on his land, the chief shall cause to be furnished to the affiant, at the expense of the affiant, a duplicate of the map filed by the owner, lessee, or operator.

(c) When any mine is worked out or is about to be abandoned, or indefinitely closed, the operator of the mine shall make or cause to be made a final survey of the mine to show the entire worked-out area at the time the mine was abandoned or closed. The results shall be extended on the map of the mine previously made, and a copy of the survey shall be filed with the chief.

(14) Mine not to extend within twenty-five feet of property line; liability for damages.

(a) No owner or tenant of any land containing coal shall engage in mining within twenty-five feet of the line dividing the land owned or held by him from that of another person, without the written consent of every person interested in or having title to the adjoining land in possession, reversion or remainder, or the guardians of such of those persons as are infants. The owner or tenant must also have the approval of the chief.

(b) Any person who violates paragraph (a) of this subsection shall be liable in the sum of five hundred dollars to the persons injured, and the persons injured may also pursue all other remedies provided by law for the recovery of damages for injury to their property.

(15) Rights of adjoining owners.

(a) Each owner, tenant, or occupant of land on which a mine is opened and worked, or his superintendent, shall permit any person interested in or having title to any land adjoining the mined property to have ingress and egress with surveyors and assistants to explore and survey the mine at his own expense once a month for the purpose of ascertaining whether or not section 38 of this Act has been violated.

(b) Any owner, tenant, occupant, or superintendent who refuses such permission shall be liable to the person so refused in the sum of twenty dollars for each refusal, to be recovered by action.

(c) If the right granted in paragraph (a) of this subsection is refused, complaint may be made before the county judge of the county in which the mine is located, and the judge shall issue a summons to the owner, tenant, occupant, or superintendent to answer the complaint. On the return of the summons executed, and proof that the complainant has right of entry and has been refused without sufficient cause, the judge shall designate an early and convenient time for the entry to be made, and issue an order commanding the sheriff of the county to attend and prevent obstructions and impediments to the entry, exploration, and survey. The sheriff shall be allowed a fee of ten dollars for attending the survey. The cost of summons and the fee of the sheriff shall be paid by the person whose refusal occasioned the

complaint, unless the judge dismisses the complaint, in which case the party making the complaint shall pay the cost and sheriff's fee. Either party may appeal as in other actions.

(16) Mining near oil or gas wells; hearing.

(a) Before removing any coal or other material or driving any entry or passageway within five hundred feet of any natural gas or petroleum well, or before extending the workings in any mine beneath any tract of land on which such wells are also drilled, or within five hundred feet of any such well or under any tract of land in visible possession of a well operator, the coal operator shall forward simultaneously to the well operator and to the Department of Mines and Minerals, by registered mail, a copy of the maps and plans required by law to be filed and kept up to date, showing on the copy of the map or plan its mine workings and projected mine workings beneath the tract of land and within five hundred feet of its outer boundaries. The coal operator may then proceed with his mining operations in the manner indicated on the copy of the map or plan, but if the conduct of his mining operations nearer than five hundred feet to any such well, whether completed or being drilled, or to any proposed well where a derrick is being constructed for drilling, or proposed well, will endanger the use or drilling of the well, the well owner or operator affected may within five days from the receipt of the copy of the map by him and the department, file specific objections in writing to the mining operations within less than five hundred feet of the well, and if the objection is so filed the department shall notify the coal operator of the character of the objections and fix a time and place for a hearing not more than ten days from the end of said five-day period. At the hearing, the coal operator and the well operator, or such of them as are present or represented, shall proceed to consider the objections and agree upon the character and extent of operations to be conducted within less than five hundred feet of the well so as to satisfy the objections raised and meet the approval of the department and, if no agreement can be reached, the department, after a full hearing, shall make a decision defining what coal, if any, is necessary to be left for the safe protection of the use and operation of the well. The decision shall be subject to appeal by

either party as provided in section 4 of this Act. The department shall keep a complete record of all such hearings.

(b) The coal operator shall, at least every six months, bring up to date the maps and plans required by this section or file new maps and plans complete to date.

(c) Any person who violates any of the provisions of this section shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not less than six months nor more than twelve months, or both, at the discretion of the court or jury trying the case.

(17) Conduct in mine; intoxication prohibited.

(a) No person shall knowingly injure any shaft, lamp, instrument, air course, or brattice, obstruct or throw open airways, disturb any part of the machinery or appliances, open a door used for directing ventilation without closing it afterwards, enter any part of a mine against caution, disobey any order given in carrying out any of the provisions of this Act, do any act endangering the life or health of any person employed in the mine, or endangering the security of the mine, or enter or be about any mine while intoxicated or under the influence of alcohol.

(18) Mine rules.

(a) The operator of any mine may adopt special rules consistent with this Act for the government and operation of his mine, and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect they shall be approved in writing by the chief of the department. The rules, when adopted and approved in writing by the chief, shall be printed on cardboard and shall be posted on a bulletin board or some other conspicuous place about the mine where they may be seen by the employes at the mine. When the rules are so adopted, approved, and posted, all employes at the mine shall be deemed to have notice thereof.

(b) The mine rules shall be printed in a form prescribed by the chief of the department.

(c) Each mine operator, when requested by an employe, shall furnish him a copy of the mine rules.

Section 39. *Penalties.* Except as otherwise provided in this Act, any wilful neglect, refusal, or failure to do the things required to be done in this Act on the part of any person herein required to do them, or any violation of the provisions or requirements thereof, or any attempt to obstruct or interfere with any person in the discharge of the duties herein imposed upon him, or any refusal to comply with the provisions of this Act shall be punishable by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment in the county jail for a period of not less than ten days nor more than ninety days, or both, at the discretion of the court or jury trying the case.

Section 40. *Repeal.* Chapters 351 and 352 of the Kentucky Revised Statutes are repealed.

Ordered that said bills be printed and referred.

Honorable Emerson Beauchamp, President of the Senate, vacated the chair; whereupon the President Pro Tem, Senator Cox, took the chair and presided over the Senate.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had adopted resolutions of the following titles, viz:

H. Res. No. 1. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is set aside out of the appropriation made by Chapter two (2) of the Acts of 1948 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars, and for the purpose of paying the expenses incurred

by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives, of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter two (2) of the Acts of 1948 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars. Said respective funds, shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerks of the Senate and of the House of Representatives.

WHEREAS, it is necessary that these contingent funds for the Chief Clerks of the Senate and House of Representatives be immediately available, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

H. R. No. 2. A JOINT RESOLUTION appropriating additional compensation for officers and employees of the House and Senate, and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated from the Legislative Session Fund as additional compensation for the following officers and employees of the Senate and House of Representatives.

Assistant Clerk
Enrolling Clerk
Sergeant-at-Arms
Doorkeeper
Cloakroom Keepers (2)
Janitor
Pages (4)

to that compensation as provided for in KRS 6.230, the sum of Four Hundred Dollars ($400.00) per diem, for each body, for the duration of the 1952 Regular Session.

That the aforesaid amount shall be prorated among the aforenamed constitutional officers and employees, according

to the per diem set forth in KRS 6.230, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

That the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives for the abovenamed amounts, and that the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives are further directed to distribute the additional compensation to the above mentioned officers and employees as provided in KRS 6.230.

WHEREAS, it is necessary that this additional compensation be received by the officers and employees of the 1952 regular session in order to expedite properly the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this resolution shall be effective from and after its passage and approved by the Governor of the Commonwealth of Kentucky.

H. R. No. 3. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest" and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. The Perry Publishing Company is authorized and directed to furnish 200 copies of "The Legislative Digest," each day the House or Senate is in session, for delivery and distribution as provided in Section 2 of this Resolution, for which said company shall be paid the sum of $4,500.00 out of the appropriation for expenses of legislative sessions for the current fiscal year made by Chapter 2 of the Acts of 1948. The Department of Finance shall issue its warrant for payment of this amount upon receipt of a voucher for the same endorsed and approved by the Speaker of the House of Representatives and the President of the Senate.

2. The distribution of "The Legislative Digest" shall be as follows:

(a) 110 copies to the Clerk of the House for distribution to the members of the House and to such officers of the House as the Speaker may direct.

(b) 45 copies to the Clerk of the Senate for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct.

(c) 45 copies to the Governor and to such officers and employes of the Commonwealth as the Governor, the President of the Senate and the Speaker of the House may direct.

3. WHEREAS, in order that the functions of the General Assembly may be expedited, it is essential that The Legislative Digest be available to the members during the present session, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

Ordered that said resolutions be printed and referred.

REFERRAL OF RESOLUTIONS

The Chief Clerk of the Senate announced that the Committee on Committees had referred resolutions of the following titles, viz:

H. R. No. 1. (For title see S. J. of today, ante.)
H. R. No. 2. (For title see S. J. of today, ante.)
H. R. No. 3. (For title see S. J. of today, ante.)

To the Committee on Appropriations.

Senator Moloney moved that the Senate do now recess for fifteen minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President Pro Tem of the Senate resumed the chair and called the Senate to order.

Senator Moloney moved that the rules be suspended for

the purpose of allowing a report of committee. Said motion was agreed to by a majority of the members elected.

Senator Moloney, of the Committee on Committees, to which same had been previously referred, reported resolutions of the following titles, viz:

H. Res. No. 1. (For title see S. J. of today, ante.)

H. Res. No. 2. (For title see S. J. of today, ante.)

H. Res. No. 3. (For title see S. J. of today, ante.)

With the expression of opinion that said resolutions should pass.

Whereupon, said resolutions were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Moloney moved that the Senate do now adjourn until 1 P. M., January 15, 1952.

Said motion was agreed to.

And then the Senate adjourned.

TUESDAY, JANUARY 15, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend E. W. Baxter, Pastor of the Church of the Ascension, of Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

Bernard J. Bonn	Archie Craft	Julian Golden
Eugene H. Clark	Martin J. Duffy	Thomas Hines
Augustus Cornett	Ernest M. Ford	Stanley Hoffman
Louis Cox	Wayne Freeman	Dr. J. E. Johnson

Alvin Kidwell	Richard P. Moloney	Paul Stapleton
James Lassiter	O. W. Montgomery	Otis C. Thomas
Homer E. Losey	Jack R. Reynolds	Wendell Van Hoose
C. W. A. McCann	Freeman Robinson	Sylvester Wagner
James R. Mansfield	William J. Sample	Ed P. Warriner
Earl F. Martin	Leon Shaikun	John M. Williams
Strother Melton	Cortis K. Stacy	E. V. Withers

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The following Senators were absent—

H. Stanley Blake	Doug Hays	Clay Shackleford
James P. Hanratty	Bert Kiser	

—5

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings of Monday, January 14, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Montgomery moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Williams.

S. B. No. 19. AN ACT relating to time.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The standard time fixed and prescribed for the Commonwealth of Kentucky by Act of Congress or by order of the Interstate Commerce Commission shall apply to and govern all laws, regulations and rules relating to the time of performance of any act by any officer or department of the Commonwealth, or of any county, city or subdivision or agency thereof, or relating to the time that any right shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the Commonwealth, and in all the public schools and institutions of the Commonwealth and on the public works of the Commonwealth

or any county, city or district thereof, or in all contracts or choses in action made or to be performed in the Commonwealth.

Section 2. Section 2.150 of the Kentucky Revised Statutes is repealed.

By Senator Williams.

S. B. No. 20. AN ACT relating to chattel mortgages, amending section 382.720 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 382.720 of the Kentucky Revised Statutes is amended to read as follows:

A recorded chattel mortgage shall be invalid as against creditors, purchasers, junior mortgagees, other lienors and encumbrancers and third parties after the expiration of a period of three years from the time the chattel mortgage is filed as provided in KRS 382.670 or from the time of filing of a statement as provided in this section, unless before the expiration of such term the mortgagee or someone in his behalf files a statement, in the office of the county clerk of the county in which the property is then located, containing the names of the parties to the mortgage, the time and place where the original is filed, and the amount then due thereon for principal and interest, in which case the lien of the mortgage shall be extended for three years from the date of filing the statement. The county clerk may charge a fee of one dollar for filing such statement and shall enter it in his "chattel mortgage minute book" as in the case of a chattel mortgage.

By Senator Stacy.

S. B. No. 21. AN ACT relating to the time for holding sessions of circuit court in the Thirty-Seventh Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (3) of

section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

* * * * *

Thirty-seventh District. Elliott County, at Sandy Hook, on the first Monday in February, the first Monday in May and the first Monday in October, twelve juridical days each.

Morgan County, at West Liberty, on the third Monday in February, the third Monday in May and the third Monday in October, twelve juridical days each.

Carter County, at Grayson, on the first Monday in March, the first Monday in June and the second Monday in November, twenty-four juridical days each.

Section 2. This Act shall take effect on September 1, 1952.

By Senator Losey.

S. B. No. 22. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.500 of the Kentucky Revised Statutes is amended to read as follows:

Any license issued under KRS 243.020 to 243.670 must be revoked or suspended for the following causes:

(1) Conviction of the licensee or his agent or employe for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) Violation of the provisions of KRS 243.670.

(4) If, within a period of two consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employes for any violations of the terms and provisions of Chapter 241, 243 or 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employes shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by Federal or state regulations.

(7) Setting up, conducting, operating or keeping on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

Ordered that said bills be printed and referred.

Senator Moloney of the Committee on Committees announced the names of the following Senators as members constituting the Standing Committees of the Senate, viz:

SENATE OFFICERS

President.....Emerson (Doc) Beauchamp
President Pro Tem.....Louis Cox
Chief Clerk.....T. B. Sturgill
Assistant Clerk.....Bettye Ashcraft
Sergeant-at-Arms.....Bernard Bauer
Enrolling Clerk.....Carrie A. Allan

COMMITTEE ON COMMITTEES

R. P. Moloney, Chairman

Louis Cox
Emerson (Doc) Beauchamp

AGRICULTURE AND STATE FAIR

H. Stanley Blake, Chairman

Bernard J. Bonn
Wayne Freeman
Stanley Hoffman
Alvin Kidwell
C. W. A. McCann
James R. Mansfield
R. Jack Reynolds
Otis C. Thomas
Wendell Van Hoose
John M. Williams
E. V. Withers

APPROPRIATIONS

Alvin Kidwell, Chairman

Louis Cox
Stanley Hoffman
Dr. J. E. Johnson
Earl F. Martin
Strother Melton
Richard P. Moloney
Ollie W. Montgomery
Freeman L. Robinson
Leon Shaikun
Cortis K. Stacy

AVIATION

Paul Stapleton, Chairman

Martin Duffy
Ernest M. Ford
Doug Hays
Thomas Hines
Stanley Hoffman
Bert Kiser
James Lassiter
C. W. A. McCann
James R. Mansfield
Strother Melton
Ollie W. Montgomery
Wendell Van Hoose
Sylvester Wagner

BANKS AND BANKING

Sylvester Wagner, Chairman

H. Stanley Blake
Bernard J. Bonn
Louis Cox
Dr. J. E. Johnson
Alvin Kidwell
Strother Melton
Clay Shackelford
Leon Shaikun
Cortis K. Stacy
Otis C. Thomas
Ed P. Warinner

CHARITABLE, PENAL AND REFORMATORY INSTITUTIONS

Ed P. Warinner, Chairman

Augustus Cornett
Wayne Freeman
Julian Golden
Dr. J. E. Johnson
Alvin Kidwell
Homer E. Losey
C. W. A. McCann
Ollie W. Montgomery
William J. Sample
Otis C. Thomas

CHILD WELFARE AND SOCIAL WORK

Earl F. Martin, Chairman

Augustus Cornett
Doug Hays
Dr. J. E. Johnson
Homer E. Losey
C. W. A. McCann
William J. Sample
Cortis K. Stacy
Wendell Van Hoose
Sylvester Wagner
Ed P. Warinner
E. V. Withers

CLASSIFICATION OF TOWNS AND CITIES

Thomas Hines, Chairman

Augustus Cornett
Archie Craft
Wayne Freeman
Julian Golden
James P. Hanratty
James Lassiter
Homer E. Losey
C. W. A. McCann
James R. Mansfield
Otis C. Thomas
Sylvester Wagner
Ed P. Warinner
E. V. Withers

COMMITTEE ON CLAIMS

James Lassiter, Chairman

Eugene H. Clark
Martin J. Duffy
Clay Shackelford

COMPENSATION FOR INDUSTRIAL INJURIES

Eugene H. Clark, Chairman

Bernard J. Bonn
Augustus Cornett
Archie Craft
Julian Golden
Thomas Hines
Stanley Hoffman
Dr. J. E. Johnson
James Lassiter
Earl F. Martin
Freeman L. Robinson
Ed P. Warinner

CONSTITUTIONAL AMENDMENTS

James P. Hanratty, Chairman

Archie Craft
Alvin Kidwell
James Lassiter
Earl F. Martin
Richard P. Moloney
Clay Shackelford
Leon Shaikun
Cortis K. Stacy
Paul Stapleton
Otis C. Thomas
E. V. Withers

COURTS AND LEGAL PROCEDURE

Martin Duffy, Chairman

Eugene H. Clark
Louis Cox
Wayne Freeman
Julian Golden
Thomas Hines
James Lassiter
Leon Shaikun
Paul Stapleton

CRIMINAL LAW

Freeman L. Robinson, Chairman

Augustus Cornett
Martin J. Duffy
Wayne Freeman
Julian Golden
James Lassiter
Earl F. Martin
Clay Shackelford
Leon Shaikun

DRAINS AND DITCHES

Wayne Freeman, Chairman

Ernest Ford
James P. Hanratty
Stanley Hoffman
James Lassiter
James R. Mansfield
Earl F. Martin
William J. Sample
John M. Williams

EDUCATION

Stanley Hoffman, Chairman

Eugene H. Clark
Louis Cox
Ernest M. Ford
Dr. J. E. Johnson
Alvin Kidwell
Bert Kiser
James R. Mansfield
Richard P. Moloney
Ollie W. Montgomery
William J. Sample
Leon Shaikun
Paul Stapleton

ELECTION AND REDISTRICTING

E. V. Withers, Chairman

Eugene H. Clark
Archie Craft
Julian Golden
James P. Hanratty
Thomas Hines
Alvin Kidwell
Earl F. Martin
William J. Sample
Sylvester Wagner
Ed P. Warinner

ENROLLMENT

William J. Sample, Chairman

Augustus Cornett
Martin J. Duffy
Bert Kiser
Ollie W. Montgomery

EXECUTIVE AND LEGISLATIVE AFFAIRS

Archie Craft, Chairman

Thomas Hines
Stanley Hoffman
Dr. J. E. Johnson
C. W. A. McCann
Ollie W. Montgomery
R. Jack Reynolds
Freeman L. Robinson
William J. Sample
Cortis K. Stacy
Otis C. Thomas
Sylvester Wagner

FISH AND GAME

John M. Williams, Chairman

H. Stanley Blake
Bernard J. Bonn
Louis Cox
Archie Craft
Doug Hays
Alvin Kidwell
Bert Kiser
James Lassiter
Richard P. Moloney
R. Jack Reynolds
William J. Sample
Clay Shackelford
Otis C. Thomas
Wendell Van Hoose

FORESTRY, STATE AND NATIONAL PARKS
Julian Golden, Chairman

H. Stanley Blake
Doug Hays
Thomas Hines
Stanley Hoffman
Dr. J. E. Johnson
Alvin Kidwell
James Lassiter
James R. Mansfield
Strother Melton
Otis C. Thomas
Wendell Van Hoose
Ed P. Warinner
John M. Williams
E. V. Withers

HIGHER EDUCATION
Cortis K. Stacy, Chairman

Martin J. Duffy
James P. Hanratty
Thomas Hines
Bert Kiser
James Lassiter
Homer E. Losey
Strother Melton
R. Jack Reynolds
William J. Sample
Clay Shackelford

INSURANCE
Ernest M. Ford, Chairman

H. Stanley Blake
Eugene H. Clark
Homer E. Losey
Strother Melton
Clay Shackelford
Leon Shaikun
Cortis K. Stacy
Paul Stapleton
Wendell Van Hoose
E. V. Withers

JUDICIARY AND JUDICIAL COUNCIL
Clay Shackelford, Chairman

Eugene H. Clark
Augustus Cornett
Martin J. Duffy
Wayne Freeman
Julian Golden
James P. Hanratty
Thomas Hines
James Lassiter
Earl Martin
Freeman L. Robinson
Leon Shaikun
Paul Stapleton

KENTUCKY STATUTES NO. 1
Ollie W. Montgomery, Chairman

Bernard J. Bonn
Eugene H. Clark
Louis Cox
Doug Hays
Dr. J. E. Johnson
Alvin Kidwell

James Lassiter
James R. Mansfield
Strother Melton
Freeman L. Robinson
Clay Shackelford
Leon Shaikun
Cortis K. Stacy
John M. Williams

KENTUCKY STATUTES NO. 2
Louis Cox, Chairman

Stanley Hoffman
Bert Kiser
Richard P. Moloney
Leon Shaikun
Cortis K. Stacy

LABOR AND MANUFACTURING
Bernard J. Bonn, Chairman

H. Stanley Blake
Archie Craft
Ernest M. Ford
Julian Golden
James P. Hanratty
Doug Hays
Homer E. Losey
R. Jack Reynolds
Freeman L. Robinson
William J. Sample
Leon Shaikun
Paul Stapleton
Wendell Van Hoose
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William J. Sample
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Leon Shaikun
Cortis K. Stacy
Paul Stapleton
Sylvester Wagner
John M. Williams
E. V. Withers

Senator Moloney moved that the Senate adopt the following rules as permanent rules for the 1952 Regular Session of the Senate, viz:

RULES OF THE SENATE
1952 SESSION

Section 1. The Senate shall meet at 10:00 A. M., except on Monday, when it shall meet at 1:00 P. M. The official time of the Senate shall be governed by the Senate clock over the door of the Senate Chamber.

Section 2. If the President of the Senate, as provided in Section 87 of the Constitution, be called upon to administer the government or resign, die or be absent from the State, the

President Pro Tem of the Senate shall have the rights and perform all the duties pertaining to the office of the President of the Senate. The President Pro Tem shall preside during the absence of the President. The President Pro Tem may designate any Senator to preside in the absence of both the President and President Pro Tem and to perform all duties of the President Pro Tem in his absence, including duties as a member of the Committee on Committees. The person so designated by the President Pro Tem shall act as a member of the Committee on Committees in the absence of the President Pro Tem. Such designation by the President Pro Tem may be made from time to time or for such duration of time as the President Pro Tem may designate and each such designation shall be in writing filed with the Clerk of the Senate.

Section 3. If a quorum be not present at the time fixed for a meeting of the Senate, four Senators may adjourn or recess from day to day or from time to time in any day when a quorum is not present, and eight Senators may order a call of the Senate and send for absent Senators. No Senator shall absent himself from a session of the Senate without leave from the Senate.

All pairs announced in the Senate shall be entered on the Journal.

The names of the Senators shall be arranged alphabetically upon the roll call or when taking a yea and nay vote.

Any Senator, with a second, may demand a roll call on any matter pending before the Senate.

Section 4. Upon a call of the Senate the roll shall be called by the Clerk, and the absentees noted. The absentees shall then be called again. The doors of the Senate Chamber shall then be closed and the absentees for whom no sufficient excuse is made, by order of a majority of those present, may be sent for and arrested wherever they may be found by the Sergeant-at-Arms or his assistants, and their attendance secured and retained; and the Senate shall determine upon what conditions they shall be discharged from arrest. Senators who voluntarily appear shall, unless the Senate otherwise direct, be immediately admitted to the floor of the Senate and they shall report their names to the Clerk to be entered upon the Journal as present.

Section 5. No person shall be permitted upon the floor of the Senate when in session except the Governor, his Secretary, the present members of the House of Representatives, and the Clerks thereof, and any members of the family of the Governor and of the Presiding Officer of the Senate, or of any Senator, or of the Governor's Private Secretary, and all officers and employees of the Senate, and Judges and Commissioners of the Court of Appeals; bona fide newspaper correspondents, designated in writing by the daily newspapers or press service they represent, shall be admitted to the privileges of the floor when recommended by the Committee on Committees. Such newspaper correspondents, when admitted to the privileges of the floor, shall be governed by the rules of the Senate. Accredited newspaper correspondents shall be assigned by the President of the Senate to a press section specifically set aside for them by the order of the President of the Senate. Provided that any one person may be extended the privilege of the floor upon invitation previously extended such person by a majority vote of the members of the Senate, but such privilege shall be extended only for a specified day and no other.

No person who shall have been extended the privilege of the floor for a specific time, as herein provided, shall engage in any activities for or against any bill, motion or other proceedings upon the floor of the Senate while in session. *No privilege of the floor shall be granted to any registered lobbyist or legislative agent or to any unregistered lobbyist or legislative agent if the same be known by the Senate, and it shall be the duty of any Senator having such knowledge to bring it to the attention of the Senate.*

No person shall engage in lobbying for or against any measure while the Senate is in session, or in recess, in any of the corridors or passages or in any of the rooms in that part of the Capitol assigned to the use of the Senate, and no registered lobbyist shall enter into any of the rooms assigned to the use of the Senate while the Senate is in session, or remain in the corridors or passages on the third floor of the Capitol assigned to the use of the Senate. Provided, however, this rule shall not be construed to prohibit the use of the corridors or passages in going to and from the Senate galleries by any person.

It shall be the duty of the Sergeant-at-Arms and the Doorkeeper of the Senate to exclude all persons not entitled to the floor of the Senate Chamber. If, however, other persons find their way to the floor, it shall be the duty of the Sergeant-at-Arms to remove them. At least five minutes before the hour of convening each day the Sergeant-at-Arms shall clear the floor of the Senate Chamber of all persons not entitled to the floor and he shall make announcement in a loud, distinct voice: "All persons not entitled to the floor of the Senate under the rules thereof will now vacate the Senate Chamber." He shall then compel each and every person then in the Senate Chamber who is not entitled to remain therein to leave the Senate Chamber.

The Sergeant-at-Arms of the Senate, before any joint session is to be held, shall request the Sergeant-at-Arms of the House to arrange for the seating of the members of the Senate in a body. The Senators will assemble in the Senate Chamber five minutes before the meeting of any joint session and go to the House in a body.

Section 6. In the event of any disorder in the gallery or in the Senate Chamber, the Presiding Officer shall have power to have same repressed. He may require the Sergeant-at-Arms or other officers or employees of the Senate to clear the gallery or to remove from the gallery or the Senate Chamber any persons creating disturbances or disorders or who may not be entitled to the privileges of the floor of the Senate.

Section 7. All the employees of the Senate, except the assistants to the Clerk, shall, each legislative day one hour before the meeting of the Senate for that day, report to the Sergeant-at-Arms of the Senate, who shall, in turn, report to the Committee on Committees of the Senate whether or not all of said employees are on duty; and the Committee on Committees of the Senate, whenever it deems it necessary, shall report to the Senate any dereliction of duty. The stenographers of the Senate shall perform stenographic services for the Senators, the committees of the Senate, and The Sergeant-at-Arms, at such place and during such hours as may be fixed by the Committee on Committees of the Senate. No employee of or person elected by

the Senate shall receive any fee, tip or compensation from any Senator. Any violation of this rule shall be ground for dismissal of said employee.

DUTIES OF THE PRESIDING OFFICER

Section 8. The Presiding Officer of the Senate shall take the chair every day precisely at the hour fixed for the meeting of the Senate, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read, provided the reading of the same is not dispensed with by the Senate.

He shall preserve decorum and order, and, while presiding, may speak to points of order in preference to Senators. He shall decide points of order and manner of procedure; but any decision made by him shall be subject to appeal to the Senate. Every such appeal shall be in writing, and signed by at least two Senators.

During the pendency of an appeal to the Senate from a decision of the chair, the Presiding Officer of the Senate, or the officer from whose decision the appeal is taken, shall vacate the chair, and call the President Pro Tem to preside during the appeal.

Section 9. All writs, warrants, subpoenas or other processes shall be signed by the officer who may be presiding over the Senate when such paper is issued; and his signature to said paper shall be attested by the Clerk, when ordered by a majority of the Senators.

Section 10. Senators shall vote only when at their seats or when in the main part of the Chamber and not from places under the galleries. If the Presiding Officer be in doubt as to the result of a viva voce, or a division be demanded, the Senate shall divide.

Those voting in the affirmative shall first rise and be counted. After the Presiding Officer has announced the number of those voting, those voting in the negative shall rise and be counted and the number so voting shall be announced by the Presiding Officer. He may appoint tellers to count those voting.

Section 11. If any Senator in speech or otherwise, trans-

gresses the rules of order or decorum or becomes offensive to the chair, or to any Senator, he shall immediately be called to order by the chair either with or without motion or suggestion from a Senator, and he shall immediately take his seat.

The objectionable words shall be reduced to writing by the Clerk, who shall then read them to the Senate. The Presiding Officer, after hearing a short explanation from the alleged offender, or upon the withdrawal of the objectionable language, may permit the one offending to proceed, or he may compel continued silence upon the one so offending until the matter under consideration is disposed of. The ruling of the chair, whatever it may be, shall be subject to an appeal to the Senate. A Senator offending in this respect shall be liable to the censure of the Senate.

No Senator shall designate another Senator by name.

Section 12. If two or more Senators arise from their respective seats and address the chair (nearly together) the Presiding Officer shall determine who was first and recognize him, but no Senator may speak more than once to the same subject until all the Senators desiring to be heard have spoken. Nothing in this rule shall, however, do away with the "previous question" if then in effect. Neither shall it permit debate on an undebatable motion.

No member shall speak more than one hour in the aggregate on any question or measure, at the end of which period, or any portion thereof, the floor shall be returned to the Presiding Officer.

Section 13. No Senator shall vote on any question in the result of which he is personally or privately interested.

CLERK OF THE SENATE

Section 14. The Clerk shall make all reports to the House of Representatives, unless otherwise ordered.

Section 15. Each day, half an hour before the time fixed for the meeting of the Senate, the Clerk or one of his assistants shall be present at the Clerk's desk with the minutes of the

preceding session for the inspection of any member of the Senate.

Section 16. All questions of order, together with the disposition of the same, shall be noted by the Clerk upon the Journal.

The Chief Clerk of the Senate shall, on the last day of the session of the General Assembly, file with the Senate an itemized statement of the expenditures made by him.

Clerk to Have Charge of Clerical Business of Senate.—The Clerk shall have charge and supervision of all the clerical business of the Senate. He shall perform the duties imposed on him by law and the rules of the Senate. He shall have charge of the Clerk's desk and shall see that no one is permitted therein except himself and those assisting him.

Duties of Clerk.—It shall be the Clerk's duty to read to the Senate papers ordered to be read; to call the roll and note and report the absentees when a call of the Senate is ordered; to call the roll and note the answers of members when a question is taken by yeas and nays; to assist, under the direction of the Presiding Officer of the Senate, in taking the count when any vote of the Senate is taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the Senate, and to report to the Presiding Officer of the Senate, to be submitted to the Senate, every failure of the printer to execute the same properly and promptly. He shall attest all writs, warrants and subpoenas issued by order of the Senate, and shall certify to the passage of all bills, and to the adoption of all joint and concurrent resolutions by the Legislature. In addition to his other duties, the Clerk shall keep the accounts for pay and mileage of members, officers and attaches, and for printing and other contingent expenses of the Senate, and prepare and sign warrants or requisitions for the same.

The Clerk shall superintend the recording of the Journal of the proceedings, and engrossing and enrolling of bills, and shall cause to be kept and prepared for the printer the Daily Journal of the proceedings of the Senate.

Clerk to Have Custody of All Records.—The Clerk shall have the custody of all records and papers of the Senate, and shall not allow them to be taken from the table or out of his possession without the leave of the Senate, unless to be delivered to the chairman of a committee to which they may have been referred, and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the Senate and preserve the same in convenient files for reference.

Clerk to Have Charge of All Printing.—The Clerk shall have supervision and charge of all printing done for the Senate and the public printer shall print only such documents and other matter as the Clerk authorizes.

The Bill Clerk of the Senate shall, upon receipt of any printed bill from the public printer, take the same immediately to the Clerk's office and there procure the second copy of the bill introduced by which to proof read the same; and, upon finding any typographical error, shall return the printed bills to the public printer with his signed statement "Acceptance refused by reason of typographical error."

The Clerk of the Senate shall provide each Senator with a bill-holder, said holder to contain all printed bills introduced in the Senate; and it shall be the duty of the Bill Clerk or his assistants to arrange all bills for each of the Senators in their folders and to keep such folders up to date.

ORDER OF BUSINESS

Section 17. The order of business shall be as follows:

1. Invocation.
2. Roll Call.
3. Motions for privilege of the floor.
4. Reading and approval of the Journal.
5. Petitions and Communications.
6. Motions.
7. Senate Resolutions.
8. Joint Resolutions.
9. Introduction of Bills.
10. Reports of Special Committees.

11. Reports of Standing Committees.
12. First Reading of Bills.
13. Second Reading of Bills.
14. Orders of the Day.
15. Reference of Bills to Committees.

Section 18. A petition, memorial or other paper addressed to the Senate or the Legislature may be laid before the Senate by the Presiding Officer or a Senator to whom the same was sent for presentation and a brief statement may be made by the one presenting the same.

Section 19. Unfinished business which was being considered upon the last adjournment shall have precedence in that class of business to which it properly belongs upon the next succeeding legislative day.

Section 20. In forming a Committee of the Whole, the Presiding Officer of the Senate shall leave the chair and call the President Pro Tem to preside as Chairman.

Section 21. Upon a bill's being committed to the Committee of the Whole, the same shall be first read through by the Clerk (unless otherwise ordered by a majority), and then again read for amendments by clauses or sections, leaving the title to be last considered. After report, the bill shall then again be read, if desired by a majority, for amendment or debate.

Section 22. The body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper and so reported to the Senate, as the same shall have been agreed to, and the same shall be considered in the Senate in the order in which they were adopted in committee; and all amendments made in committee to an original motion shall be incorporated with the motion and so reported, and the above rule shall apply to all other subjects in Committee of the Whole as well as bills.

Section 23. Nothing shall be introduced or offered in Committee of the Whole except it relates to the matter under consideration.

BILLS

Section 24. Bills to be Presented in Quadruplicate. All bills shall be introduced in quadruplicate and all copies shall be signed by the member introducing same. They shall be typewritten, with one original and three distinctly legible copies. The original copy shall be the official bill. The second and third copies shall be used for printing and Committees. The fourth copy shall be for the use and accommodation of the press and the Clerk of the Senate shall turn same over to the press upon introduction. All copies shall be backed with a protective cover. The title of the bill, or a portion thereof, shall be placed on the top quarter of the back of each bill, and the name of the sponsor shall be signed at the bottom of each back.

Section 25. Resolutions having the force and effect of law shall be, in all respects, treated and considered as bills under these rules.

Printing of Bills.—The Clerk is ordered to have printed 200 copies of each bill or resolution carrying the force and effect of law introduced in the Senate and of each bill or resolution carrying the force and effect of law acted on by the House and reported to the Senate.

Section 26. Bills originating in the Senate shall be introduced in open session and each shall be read by its title. The bill shall then be referred to a committee and be printed for the use of the members.

If a bill be reported unfavorably, or without expression of opinion, a vote may then be taken whether it shall be read at length and be placed on the calendar. Provided, however, that shall not be done unless a majority of the members elected to the Senate shall concur therein. When reported favorably by the committee, the bill shall then be given its first reading at length and shall be placed by the Clerk upon the calendar to be kept by him, and so remain on the calendar till the next succeeding legislative day. Said bill shall then be entitled to its second reading.

The Clerk shall keep a calendar showing such bills as are entitled to their second reading each day, distinguishing between

House and Senate bills. Whenever a committee fails or refuses to report within a reasonable time a bill submitted to it, the same may be called up by any member and be considered as if it had been regularly reported. Provided, however, that no bill may be called from any committee without the concurrence of a majority of members elected to the Senate.

Every bill shall be read at length on three different legislative days; but the second and third readings thereof at length may be dispensed with at the instance of a majority of all the members elected to the Senate, and the bill may then be read by its title. No bill shall become a law unless on its final passage it receives votes of at least two-fifths of the members elected to the Senate and a majority of the members present and voting taken be yeas and nays entered on the Journal; provided any act or resolution for the appropriation of money or the creation of a debt shall, on its final passage, receive the votes of a majority of all the members elected to the Senate, and provided further than any bill wherein it is declared that an emergency exists shall require the concurrence of a majority of the members elected to the Senate by a yea and nay vote entered upon the Journal.

Bills shall be printed and distributed in the order in which they are introduced.

Section 27. The Clerk of the Senate shall keep a record showing to what committee each bill or resolution has been referred and the date of such reference, together with the date of its return to the Senate. The records shall also show the date when the committee first received the bill and when the same was finally reported by the committee to the Senate.

The report or recommendation of the committee which considered the bill, together with a minority report if one be made, shall also be entered upon said record under one of the following expressions:

"Favorably Reported"

"Favorably Reported, Accompanied by a Minority Report"

"Unfavorably Reported"

"Unfavorably Reported, Accompanied By a Minority Report"

"Without Expression of Opinion."

Upon the call of standing committees by the Clerk, the Chairman or ranking member thereof shall disclose the disposition of the matter or matters submitted to their respective committees in the following manner:

"Mr. President, the Committee on _____ (naming the committee), to which was submitted _____ _____(Senate or House bill or resolution, naming the same and giving the number thereof), reports as follows:

"Unfavorably Reported" or

"Favorably Reported" or

"Favorably Reported, Accompanied By a Minority Report" or

"Unfavorably Reported, Accompanied By a Minority Report" or

"Without Expression of Opinion."

A minority report must be signed by those members who have dissented from the committee's report and *it shall be in order to move* the adoption of the minority report as a substitute for the committee's report when the committee offers its report. However, it shall require a majority of the members elected to adopt same; but it shall always be required that the committee's report be read before the minority report is read.

Section 28. The Senate Journal shall also note the dates upon which all bills and resolutions were sent to their respective committees as well as the dates upon which same were returned to the Senate.

Section 29. The Clerk of the Senate shall keep a calendar for each legislative day of the session showing the bills entitled to a second reading upon that day distinguishing between House bills and Senate bills.

Section 30. When a Senate bill has been amended in the House and the Senate has concurred in the House amendment, the bill as amended shall immediately be put upon its passage.

When a Senate bill has been amended in the House and the Senate refuses to concur in said amendment, or when a House bill has been amended by the Senate and the House refuses to

concur in said amendment, and when neither will recede from such action, a Committee on Conference shall be appointed by the Committee on Committees of the Senate to meet a like committee from the House; and said Committee shall confer with the House Committee and report back to the Senate within a reasonable time.

When a bill has been referred to the Committee on Conference and a report has been made thereon in the same manner as reports are made for Senate bills, the conference report shall be voted upon; and, if adopted, the bill shall immediately be put upon its final passage.

EVERY BILL SHALL BE PUT UPON ITS FINAL PASSAGE IMMEDIATELY AFTER ITS THIRD READING UNLESS OTHERWISE ORDERED BY THE SENATE.

Section 31. Every Senate bill and joint resolution, together with the amendments thereof, passed by the Senate and being the subject of no further amendment or motion, shall be engrossed by the Clerk of the Senate and delivered to the House of Representatives in open session by the Clerk of the Senate or some one designated by the Clerk of the Senate.

Section 32. When a bill has had its second reading it shall be placed in the Orders of the Day, or be recommitted, and when next reached in the Senate it shall be ready for recommitment, amendment or debate, or to be read a third time and placed upon its passage, and the Presiding Officer shall so announce to the Senate. A bill may be recommitted or amended at any time before its passage.

Section 33. When a bill shall have passed the Senate and shall have been properly engrossed, and shall no longer be the subject of further amendment or motion, it shall be so certified by the Clerk of the Senate, endorsing thereon the day of passage or adoption, and taken by him or someone designated by him and delivered to the House of Representatives in open session, and its concurrence asked therein. A like procedure shall be observed toward House bills.

Section 34. When a Senate bill has been amended in the House and has been returned to the Senate for concurrence in

the amendment, it may be referred to a committee, but if referred, it shall be done in the same manner as original bills are referred.

Section 35. BILLS AFTER THEIR SECOND READING SHALL BE PLACED IN THE ORDERS OF THE DAY IN THE ORDER IN WHICH THEY HAVE BEEN GIVEN THEIR SECOND READING, and shall be taken therefrom for their third reading and final consideration in the order in which they appear in the Orders of the Day, unless otherwise ordered by a majority of the Senators elected.

Section 36. When a Senate bill is in the Orders of the Day, it shall be in order on motion of the author to substitute an identical House bill which is in the Orders of the Day of the Senate.

When engrossing a bill, the Clerk may incorporate amendments by means of typing only. When an amendment strikes out any part of the original it shall be indicated in the engrossed copy by one parallel line over the part to be stricken out, in such a way as not to render illegible the original words.

All amendments shall be given the proper page and line of the printed bill.

The Clerk shall post conspicuously the numbers of all bills recommended for said calendar by the Rules Committee and the numbers of all bills placed in said calendar by the Committee of the Whole Senate.

Amendments—Form For.—The Clerk shall furnish the members sheets with a proper heading printed in blank upon which amendments shall be written, and all amendments offered shall be on such blanks and bear the name of the members offering the same.

Must Be Germane.—No amendment shall be in order that is not germane to the matter under consideration; and the Presiding Officer of the Senate, when the question is raised, shall rule as to the admissibility of the proposed amendment, subject to appeal as hereinbefore provided in these rules.

BY STRIKING OUT ENACTING CLAUSE.—A motion to amend by striking out the enacting clause of a bill shall have

precedence over another motion to amend, and, if carried, the bill or resolution is rejected.

Section 37. Bills originating in and passed by the House of Representatives when reported to the Senate shall be referred to the Committee on Committees and shall take the same course as other bills.

Section 38. All Senate bills and resolutions which have passed both Houses, the Senate and the House of Representatives, shall be delivered by the Senate Clerk to the Enrolling Clerk, in the order in which passed, who shall be responsible for their safekeeping until they are delivered to the Committee on Enrollment.

The Enrolling Clerk of the Senate shall take charge of all Senate bills as soon as they are referred back to the Senate and ready to be enrolled. The number and title shall be kept by the Chief Clerk in a suitable record book of all bills and joint and concurrent resolutions carrying the force and effect of law, passed by the House of Representatives and the Senate, attesting the fact and the date of passage. A printed copy upon safety paper in the exact form as finally passed shall be certified to by the Enrolling Clerk and turned over to the Committee on Enrollment. In cases of extreme emergency and during the last three days prior to sine die adjournment, where no correct printed copy is available, the Enrolling Clerk may enroll such bill or resolution by typing the same on safety paper or by enrolling the same in longhand.

In the event a bill which originates in the Senate is amended by the House and the Senate concurs in the amendments proposed and adopted by the House, then the Chief Clerk of the Senate shall first engross said amendments in the original copy of the Senate bill, attesting the same, before delivering the bill to the Enrolling Clerk of the Senate and taking her receipt therefor, as in the case of other Senate bills which were not amended by the House. It shall then be the duty of the Enrolling Clerk to cause the original bill as attested by the Chief Clerk and the safety copy of the bill as delivered from the House to conform to each other by typing in indelible typewriter ink or by writing

in red ink the amendments engrossed in the original bill in the safety copy. The same procedure shall apply to Senate resolutions.

If any bill or resolution is found not correctly enrolled, it shall be returned to the Enrolling Clerk to be properly enrolled, which, when done, shall be delivered to the Committee on Enrollment as is first provided herein.

So soon as said enrollment is completed, the Enrolling Clerk shall deliver the original bill or resolution and the enrolled copy thereof to the Committee on Enrollment, which Committee and the Enrolling Clerk shall jointly compare one with the other, and if the enrollment is ascertained to be correctly done, the Committee shall report the same to the Senate.

When signed by the President of the Senate, the Enrolling Clerk of the Senate shall deliver the original and enrolled copies of Senate bills and resolutions to the Chairman of the Enrollment Committee of the House for presentation to the Speaker of the house for his signature. When signed by the Speaker of the House, the enrolled bill or resolution and the original copy thereof shall be returned by the Enrolling Clerk to the Clerk of the Senate who shall be responsible for the safekeeping thereof and who shall present the enrolled bill or resolution to the Governor for his approval and take his receipt for same.

Section 39. The Committee on Enrollment and the Committee on Committees may report at any time except during roll call or while a vote is being taken.

Section 40. No bill shall be copied or distributed by the public printer or any employee of the Senate or other person whose duty it is to have custody of the same until the same shall have been printed and returned with the printed copies thereof to the Clerk of the Senate, and all bills shall remain at all times in the hands of the Clerk of the Senate, public printer, Committee on Committees or the committees to which said bills have been referred.

Section 41. No record which is in the hands of the Clerk of the Senate and is required by law to be entered upon the Journal of the Senate shall be copied by the Clerk or any other

person for any person or persons whatsover until same shall have been entered upon the aforesaid Journal and said Journal shall have been approved.

Section 42. No bill shall be considered by the Senate during the last fifteen legislative days of the session of the Senate or during any special session except upon the recommendation or report of the Rules Committee previously obtained, nor shall the Senate consider any bill originating in the House of Representatives during the last fifteen legislative days of the session of that body nor during any special session except upon the recommendation or report of the Rules Committee of the Senate previously obtained, unless otherwise ordered by a majority of the members elected to the Senate.

The Rules Committee of the Senate will take charge of and control all bills to be considered by the Senate during the last fifteen legislative days of the session of the Senate and during any special session and will determine what bills shall be considered during that time, and the order in which they shall be taken up and considered.

If and when the time be fixed for the sine die adjournment of the session of the General Assembly, the "last fifteen legislative days" as hereinabove provided shall be held and construed to mean the last fifteen legislative days next prior to the time so fixed for the sine die adjournment. If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then the Rules Committee shall take charge for such lesser number of days as may remain from the time such resolution for sine die adjournment is adopted and the time fixed for such adjournment.

The Majority Floor Leader of the Senate shall act for the Rules Committee in calling from committee any bills or resolutions, and shall be recognized by the Presiding Officer of the Senate for said purposes during all times that the Rules Committee is in charge.

The Majority Floor Leader of the Senate shall be ex-officio chairman of the Rules Committee, and, in his absence, the President Pro Tem of the Senate shall act as chairman of the Rules Committee.

Section 43. In the absence of a specific rule of the Senate, Roberts Rules of Order shall govern the proceedings.

PARLIAMENTARY RULES

Section 44. No committee except the Committee on Enrollment, Committee on Committees and a Committee on Conference between the House and Senate shall sit while the Senate is sitting, unless by consent of the Senate.

Section 45. The Senate may correct errors in the Journal on the day the Journal containing errors is presented to the Senate for approval.

Section 46. Every oral motion after it has been stated by the Presiding Officer, and every written motion, bill, resolution or other paper, after it has been read by the Clerk, shall be the property and in possession of the Senate; and shall not be withdrawn without consent of the Senate.

Section 47. When a question is under consideration, no motion shall be in order except:

First—To fix the time to which the Senate shall adjourn.
Second—To adjourn.
Third—To take recess.
Fourth—To lay on the table.
Fifth—For the previous question.
Sixth—To postpone to a fixed time.
Seventh—To commit.
Eighth—To amend.
Ninth—To postpone indefinitely.

The above several motions shall have precedence in the order in which they are arranged; and the first five of them shall not be debatable. A second motion to adjourn, to take a recess, to lay on the table, for the previous question, to postpone to a time certain, to commit or to postpone indefinitely shall not be in order on the same day, upon the same question, and at the same status thereof unless other business intervenes; provided, however, that amendments may be made to the time to which it is proposed to adjourn, to take a recess or to postpone.

Section 48. A motion to strike out the enacting words of a bill or resolution shall have precedence over a motion to amend; and, if adopted, shall have the same effect as though the bill or resolution were regularly voted upon and rejected.

Section 49. A motion to adjourn, to take a recess, or a motion to adjourn to a time certain, shall always be in order, except when a member is speaking or while a vote is being taken, or when the Committee on Committees is reporting; subject, however, to the limitation set out in Rule 47.

Section 50. When the "previous question" has been ordered, a vote shall be taken immediately upon the pending measure and such pending amendments as are in order.

The effect of the "previous question" shall be to put an end to all debate; to prevent the offering of additional amendments, and to bring the Senate to an immediate vote upon the measure and amendments aforesaid.

The "previous question" may be ordered by a majority of the Senators voting on that question. On the call of the roll, no Senator shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the "previous question" has been ordered, a Senator whose bill or amendment or motion (if debatable) is pending may speak not exceeding ten minutes.

Section 51. When a measure shall have been postponed indefinitely it shall not be in order again during the session.

Section 52. Every written motion, report or measure may be committed or recommitted at the pleasure of the Senate.

Section 53. A motion to commit, recommit, or postpone a part of a measure so as to separate that part of the measure from the remainder shall not be in order.

Section 54. A motion to reconsider a vote shall not be in order unless made by a Senator who voted upon the prevailing side of the question; nor shall such motion be in order unless made within two legislative days next after the day the vote was taken.

However, the motion to reconsider when coupled with the additional motion to lay that motion upon the table may be made by any Senator.

Section 55. Any pending bill, resolution, motion or report shall be read by the Clerk upon the demand of any Senator, but it shall not again be read on the same day unless so ordered by the Senate.

Section 56. The Rules of the Senate, after their adoption, shall not be altered, changed, amended, suspended or interrupted, unless the same be done by a majority of the members elected to the Senate.

Whenever the rules are suspended as above, no measure shall be considered under suspension except the measure or measures in whose favor the suspension was invoked, and only for that day.

Section 57. All questions, whether in Committee of the Whole or in the Senate, *WHEN NOT A PRIVILEGED QUESTION*, shall be propounded in the order in which they were moved, except that in filling blanks the smallest sum and the most remote date shall be put first.

Section 58. The rules of procedure in the Senate shall be observed in committee in so far as the same are applicable.

Section 59. When the roll is being called in taking a yea and nay vote, and the hour of adjournment arrives, the same shall stand extended until after said yea and nay vote has been completed and the announcement of the result made.

Section 60. In all elections a previous nomination shall be made.

Section 61. When a motion has been made and seconded, it shall be stated by the chair, or, being in written form, it shall be read by the Clerk before debate, amendment or motion concerning it shall be in order.

Section 62. In all cases where general parliamentary law provides for a rule of two-thirds, it shall mean in this Senate a majority of all the members elected thereto.

Section 63. Two hundred copies of these rules shall be immediately printed for use of the Senate.

Section 64. All resolutions to authorize the filing of suits against the Commonwealth of Kentucky or any department or agency of the State shall be referred by the Clerk of the Senate to the Committee on Claims.

Before that Committee shall report any such resolution with the expression of opinion that the same should pass, the Committee shall require that each person seeking to obtain such authorization for suit shall file with the Committee a statement, duly sworn and subscribed to, in which all the facts and circumstance connected with the cause of action on which such person seeks to recover are set forth; and such statement, before such Committee shall report the resolution favorably, shall set forth a prima facie case against the Commonwealth of Kentucky or any department or agency of the State.

Section 65. Wherever the term "President of the Senate" may be used in these rules, the duties imposed upon him and the powers and authority vested in him in his absence from the Senate Chamber shall be exercised and performed by and vested in the President Pro Tem of the Senate. Whenever the President Pro Tem of the Senate is absent from the Senate or unable to attend the meeting of any committee of which he is a member under the rules, or may during the session be appointed a member of, he shall in a writing filed with the Clerk of the Senate designate one of the Senators to act in his place and stead during the time of his absence, and such person, when so designated, shall exercise and perform all of the duties and be vested with all the powers and authority given under these rules to the President Pro Tem of the Senate.

In the event of the absence of the Majority Floor Leader and/or the Minority Floor Leader, each of them shall, by a separate writing filed with the Clerk, designate which member of the Senate shall act during his or their absence either from the Senate or a committee of which he or they may be a member, and such person or persons so designated shall, during the absence of such Floor Leader, exercise and perform all the

duties of and be vested with all the powers and authority of such Floor Leader for whom he is designated to act.

Whenever the President and the President Pro Tem are both absent from the Senate Chamber, the person designated as herein provided as Acting President Pro Tem of the Senate shall exercise and perform all the duties of and be vested with all the power and authority of the President of the Senate.

In the event the President Pro Tem and the Majority and Minority Floor Leaders or either of them so desire, he or they may designate one person who shall act in his or their absence at any time throughout the session of the General Assembly, with the power in his or their discretion to revoke such designation and designate another.

Section 66. The following shall be the standing committees of the Senate. There shall be a Committee on Committees composed of the President of the Senate, the President Pro Tem and the Majority Floor Leader of the Senate, and the majority of said Committee shall have full power to act on all matters referred to said Committee either by these rules or by action of the Senate.

All bills and resolutions, either joint or concurrent, shall, upon their introduction, be automatically referred to the Committee or Committees who shall refer same to the proper Committee on the Legislative Day of, or the first Legislative Day after, the introduction of such bill or resolution on which the Senate is in session.

Said motion was agreed to.

Senator Moloney moved that the President of the Senate appoint a committee to meet with a like Committee of the House to inform the Governor they are ready to receive any message he may desire to deliver.

Said motion was agreed to.

The President of the Senate thereupon appointed the following senators as members of said committee; Senators Craft, Williams, Van Hoose, Montgomery, Warinner and Mansfield.

Senator Moloney moved that the Senate do now recess for fifteen minutes.

Said motion was agreed to.

And then the Senate recessed .

The appointed hour having arrived, the President of the Senate resumed the chair and called the Senate to order.

Senator Craft, of the committee heretofore appointed, reported that said committee had discharged the duty imposed upon it, and that the Governor of the Commonwealth is now ready to deliver his message to the General Assembly.

Senator Moloney moved that the Senate do now proceed to the House of Representatives for the purpose of hearing the message to be delivered by the Governor.

Said motion was agreed to.

Whereupon, in order, the Senate proceeded to the House of Representatives, where, in order, they entered upon the floor of the House Chamber, and the Lieutenant Governor of the Commonwealth, the Honorable Emerson Beauchamp, President of the Senate, took the chair and presided; and the Honorable Charles W. Burnley, Speaker of the House of Representatives, having taken his seat on the right of the President of the Senate, the two Houses were convened in Joint Session, which was composed of a majority of all the members elected to each House.

Without objection, the call of the roll of the two Houses was dispensed with.

After a time, the committee heretofore appointed on the part of the Senate, and the committee heretofore appointed on the part of the House of Representatives, to wait upon the Governor, appeared upon the floor of the House with His Excellency, the Honorable Lawrence W. Wetherby, Governor of the Commonwealth of Kentucky, who addressed the General Assembly in Joint Session as follows, viz:

GOVERNOR'S MESSAGE
TO JOINT SESSION
GENERAL ASSEMBLY
COMBINED STATE OF THE COMMONWEALTH & BUDGET MESSAGE
JANUARY 15, 1952
Frankfort Kentucky

LIEUTENANT GOVERNOR BEAUCHAMP, MR. SPEAKER BURNLEY AND MEMBERS OF THE GENERAL ASSEMBLY:

In compliance with the Constitution, I requested this opportunity to appear before you so that I might report on the general operations of State government, its finances, and my recommendations dealing with the State's fiscal policy, during the next two-year period.

From time to time during this session, I shall made additional recommendations, either by personal appearance, or through the duly elected leaders of the House and Senate. Today, I shall discuss the general operations of State government for the past four years, make certain specific recommendations, and submit a budget covering the next two-year period.

I am fully aware of the tremendous job that lies ahead, which requires our attention. You are invited, individually and collectively, to consult and discuss with me, at any and all times, any problems or subjects which affect you, me, or the people of Kentucky.

It is gratifying to report much progress in the operations of State government. Many advances can be accredited to the sound legislative programs that the General Assembly enacted in the regular session of 1948, the special session of 1949, the regular session of 1950, and the special session of 1951.

This report will be a brief summary of what has been done during this period. Brevity decrees that many items of progress be left out. Some of the agencies will be omitted, but an examination of the records of every department indicates progress. The departments I will discuss are those that touch directly, and affect the welfare of thousands of Kentucky's citizens.

DEPARTMENT OF HIGHWAYS

This department has inaugurated a balanced construction and maintenance program, including both primary highways, and rural roads and bridges.

The construction figures show eight thousand, six hundred, and two miles of roads completed, or under contract. From the two-cent road tax enacted by the 1948 General Assembly, the department has constructed, or contracted for nearly four thousand miles of rural roads, at a cost of $36,623,237. The department's expanded program has contributed greatly to the promotion of the tourist industry.

Recently, a reorganization of the department, as recommended by the Public Administration Service, and the Committee on Functions and Resources, has been undertaken. A five-year plan of major highway improvement has been adopted.

DEPARTMENT OF WELFARE

During the past year, this department has been reorganized. A trained psychiatrist now heads its Division of Hospitals and Mental Hygiene, and greater emphasis is being placed on treatment.

The special session of 1951 gave the Welfare Department an additional seven hundred and fifty thousand dollars. In 1948, Kentucky spent ninety-nine cents a day for each patient in its mental hospitals. Today, one dollar and sixty cents is being spent. Both figures exclude food produced by the department.

An extensive building program is under way at Central, Eastern, and Western State Hospitals. Additional medical equipment has been supplied to all of them. We are progressing, and the additional recommendations I shall make will, I believe, give Kentucky an adequate mental health program.

Concerted efforts have been made to raise the standards at both houses of reform at Greendale.

The Division of Agricultural Production was established in the Welfare Department in 1950. Food produced on the farms, during the last fiscal year, was valued at eight hundred and twenty-seven thousand dollars.

AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

In 1948, the General Assembly established this Board, to study Kentucky's potentials, and to encourage increased use of our resources.

It has made community surveys of forty-two cities. These surveys are available to industries seeking Kentucky locations. It has been instrumental in bringing more than seventy million dollars worth of new plants to the State.

The Board has published a land capability map, showing where industries depending largely upon the soil can profitably locate.

DEPARTMENT OF CONSERVATION

Attendance at State parks jumped from 373,589, during the 1947-1948 fiscal year, to 2,041,743 in 1950-51. Four new parks, Kentucky Dam Village, Kentucky Lake, Cherokee, and Carter Caves, have been built since 1947. One of the country's finest hotels will be opened at Kentucky Lake in March. Our entire park system has been improved. It is now one of the best in the nation, and largely accounts for the tremendous increase in our tourist business, which exceeded three hundred million dollars last year.

Also in this department are the Divisions of Soil and Water Resources, Forestry, and Food Control and Water Usage.

The Soil and Water Resources Division has assisted in the organization of twenty-five soil conservation districts since 1947. The Division of Forestry now provides organized forest fire protection for four million, two hundred and fifty-four thousand acres of State and private forest land, and the Division of Flood Control and Water Usage has reviewed and approved reports on proposed improvements on the Upper Cumberland, Lower Cumberland, Fernbank, and Greenup dams.

DEPARTMENT OF ECONOMICS SECURITY

This department was established in 1948. Under it, old age assistance grants have been increased from an average of $17.30 monthly, in January, 1948, to $29.77 at the present. Aid

to the needy blind has increased from an average grant of $18.44, to $31.82. Aid to dependent children has increased from $34.25 a family, to $41.96. Maximum payments for needy blind and old age assistance are now $50 a month, and maximum payments for dependent children have been raised to $27 for a parent, $27 for the first child, and $18 for each additional child.

The 1951 special session of the General Assembly enacted legislation making possible social security coverage for State and local governmental employees, which program is administered by this department. Practically all State employees have been covered, and agreements have been made with more than seventy-eight political subdivisions to cover their employees.

DEPARTMENT OF HEALTH

This department has adopted a policy of local control for local health departments. A formula for fair and equitable distribution of State and Federal fnuds to local health departments was instituted.

Seven additional counties opened local health departments, making a total of one hundred and eleven. Three mobile health units were placed in service, for local health departments to use in remote areas. Trained administrators were placed in nineteen counties, where there are no full-time medical health officers. Twenty-five new community hospitals, and thirteen additions to existing hospitals, have been completed since 1947. Federal Hill-Burton Hospital Constructions funds brought to Kentucky under this program total $20,546,828.

STATE TUBERCULOSIS SANATORIA COMMISSION

This commission was created by the 1948 General Assembly. Five new hospitals for tuberculosis treatment have been accepted, and the State now has five hundred more beds.

New techniques of care are giving the hospitals a greater record of service, through a larger turn-over of patients. Kentucky's death rate from tuberculosis has been reduced from 58.2, to 36.6, per one hundred thousand population. More than three times as many people were X-rayed by mobile units, under the Department of Health, than in the previous five years.

DEPARTMENT OF EDUCATION

The level of financial support for public education is higher today than at any time in the history of the Commonwealth. The common school fund, during the past four years, has been increased from $19,501,245, to $30,500,000, or 56.4 per cent. At the same time, local school districts have increased their tax revenue from $21,795,333, to $36,963,034, an increase of 69.6 per cent. The per capita fund has been increased by 49.3 per cent.

As a result of the six million dollar appropriation by the special session of 1951, the per capita reached $38.40, and teachers received an average salary increase of $300.

The number of emergency teachers employed has been decreased from about five thousand, three hundred, to approximately two thousand, nine hundred, for the year 1951-52. Teachers' salaries have been increased from an average of $1,555, in 1946-47, to an average of $2,350, in 1951-52.

DEPARTMENT OF FINANCE

This department is better organized, staffed, and equipped, to meet the demands made upon it by all other agencies of State government, than at any time since its creation. It now has a full-time budget director, streamlined accounting methods, and a new program for recruiting and training State employees.

The Division of Purchases has improved its operations by spreading its buying assignments among qualified buyers who specialize in certain items. It has established a central store, to furnish supplies to various agencies. By this method, fifty-four thousand dollars was saved during the fiscal year 1950-51.

DEPARTMENT OF REVENUE

The department has sought to eliminate tax evaders through a policy of education and enforcement, by the use of federal income tax records. The number of pay returns since 1948 has increased approximately 125 per cent.

Local property assessments have had the attention of the department since 1948. The general property tax calendar, from assessment to collection, has been shortened from eighteen

to twelve months. Taxes are now collected in the same year assessment is made.

The cost of administration is one of the lowest in the nation. It takes only a little more than one cent of each tax dollar to pay for collecting it.

DEPARTMENT OF STATE POLICE

The State Police Force was activated July 1, 1948, as the law enforcement arm of the State, to replace the old Highway Patrol. This department of State government has made rapid strides since its organization. It has been able to recruit some of the highest type young men in Kentucky.

It now has the respect and confidence of the public generally, and serves as a supplement to local law enforcement agencies in all sections of the Commonwealth. The department has made a fine contribution towards the development of a highway safety program.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

The department has tightened controls, and adopted a much stricter enforcement policy. The department has recently adopted a regulation designed to cut down juvenile delinquency by strictly enforcing a ban on minors in taverns.

Later in this message I will recommend specific legislation concerning this department.

DIVISION OF GAME AND FISH

Last year, the Wildlife Management Institute ranked Kentucky seventh among the states.

Kentucky has the best Junior Club Educational Program in the nation. There are now about twenty-five thousand Kentucky boys in Junior Conservation Clubs, in all counties of the State. The clubs own two camps, and will soon have a third.

DEPARTMENT OF INDUSTRIAL RELATIONS

This department administers a Workmen's Compensation Act that gives more protection to the working man and his

family than any similar Act Kentucky has had. Maximum family benefits have been increased from fifteen dollars a week, to twenty-three dollars. The maximum compensation payable to a totally disabled employee has been increased from eighteen dollars a week, to twenty-four dollars.

LEGISLATIVE RESEARCH COMMISSION

This commission was created by the 1948 General Assembly, as a continuing arm of the Legislature. Since 1950, it has worked on numerous projects upon which it will report during this session.

It also worked with the Committee on Functions and Resources of State Government, and their report, I am sure, will be submitted soon.

At this point, I would like to make some specific recommendations to you, upon legislation which I consider essential to the welfare and advancement of Kentucky, and which the people have endorsed during recent months.

FIRST, I recommend that you enact into law, a new Registration and Purgation Act. In December, 1950, I requested the Legislative Research Commission to appoint a group of officials and citizens, to study the Registration and Purgation Law of the State, and to prepare a bill designed to remedy the defects in our existing law.

The committee has devoted much time and study to this problem, and has prepared what they consider a good law.

The bill will be introduced by the majority leader of the House of Representatives, and I ask you to enact it into law.

The enactment of such a law will encourage our citizens to exercise one of their most precious rights, and will encourage more of them to participate in elections.

SECOND, I recommend that you enact into law a Child Welfare Code, which will recodify the laws pertaining to children, and will establish a State Youth Authority.

The Legislative Research Commission, aided by an advisory

committee of interested citizens, has devoted much time and study to this problem.

The bill which they have drafted will be introduced by the majority leader of the House of Representatives, and I ask you to enact it into law.

The enactment of this bill will go a long way, toward remedying some of the evils now existing in our State under present law. It will give to the Youth Authority, the right to determine the needs, and protect the children committed to it.

THIRD, I recommend that you enact into law an Act creating a Department of Mental Health.

During the last year, we have reorganized the Department of Welfare, and have secured as the head of the Division of Mental Hygiene a competent psychiatrist, who has demonstrated during this period that it is possible, through a treatment program, to return many unfortunate citizens to useful lives.

All functions of our Welfare Department have shown tremendous improvement. Under present organization however, the vast scope of the Department's responsibilities complicates its administration and operation.

The separation of mental and penal institutions into two departments will allow for the improvement of each, and will permit increased emphasis on the mental health treatment program. With one man heading each department, much closer supervision will be possible.

It is for these reasons that I recommend that you remove the Division of Hospitals and Mental Hygiene, from the Department of Welfare, and create a separate Department of Mental Health.

This bill will be introduced by the majority leader of the House of Representatives, and I ask you to enact it into law.

FOURTH, I recommend that you enact into law an Act providing for the mandatory suspension or revocation of the license to sell alcoholic beverages, upon conviction of the licensee, or his agent, of gambling on the premises.

A question has been raised as to the power of the Alcoholic

Beverage Control Board, to revoke such a license or permit on these grounds.

In order to clarify the law, and to enable the Alcoholic Beverage Control Board to follow a stricter law enforcement policy, I deem it advisable to have such a law enacted.

This bill will be introduced by the majority leader of the House of Representatives, and I ask you to enact it into law.

FIFTH, I recommend that you enact into law an Act which makes the fixing of athletic contests a felony.

Our Commonwealth has been shocked in recent months by the basketball scandals, and in order to deter any such future actions in our State, I believe such legislation advisable.

The majority leader of the Senate has heretofore introduced such a bill, and I ask you to enact it into law.

SIXTH, I recommend that you enact into law an Act increasing the penalties for the illegal sale and distribution of narcotics.

The illegal use of narcotics has rapidly increased, and in recent months, the sale and distribution of narcotics to children has increased throughout the country.

In order to prohibit such occurrences in Kentucky, it seems advisable that a stiffer penalty should be provided for the punishment of those illegally selling or distributing narcotics.

The State Department of Health is preparing such legislation at this time, and upon its introduction, I ask you to enact it into law.

SEVENTH, I recommend that you enact into law an Act which will remove the University of Kentucky, and all of the State colleges of the Commonwealth, from the control of the Personnel Division of the Department of Finance.

Since the passage of the Reorganization Act, technically, but not by practice, the employees of the University and State colleges have been under the Division of Personnel.

The bill will be introduced by the majority leader of the Senate, and I ask you to enact it into law.

These are specific recommendation which I make at this time. You will notice that I have not mentioned one of the most involved problems facing this session of the Legislature, that of redistricting Kentucky.

I have omitted this purposely. I believe that if all of us will give our immediate attention to the budget bill—these specific recommendations, and your own bills, we can then give our undivided attention to the passage of a redistricting bill, and in so doing, assure a more orderly business schedule.

So that the various agencies of State government may plan their programs during the next two-year period, it is necessary for you first to enact a budget law.

In preparing this budget, the principal aim has been to allocate equitably the general fund revenues to provide for essential functions of government. This budget allocates every dollar in hand, and in sight, all anticipated revenue for recurring types of expenditure, and all anticipated surplus as of June 30, 1952, for capital outlay and other non-recurring expenses.

Requests for general fund support from the State's agencies and departments, exclusive of capital outlay, totaled approximately two hundred and twelve million dollars for the next biennium.

The Commissioner of Revenue estimates that the present tax structure will yield one hundred and fifty-nine million dollars during the next biennium. The estimate is based on the assumption that the Legislature will re-enact the existing income tax rates, and the current inflationary trend will continue during the next two-year period.

We recognize that many agencies of State government could wisely use more money than is proposed by this budget. However, the estimated general fund expenditure for this year, 1951-52, is seventy-two and one-half million dollars. To continue this rate of expenditure for the next two years will require a total of one hundred and forty-five million dollars, leaving a difference between the present rate of expenditure and anticipated revenue of fourteen million dollars, for allocation.

This budget recommends that the General Assembly appropriate seven million, nine hundred thousand dollars, of the fourteen million, for educational purposes, four million, two hundred thousand dollars for health and welfare, and one million, nine hundred thousand dollars for all other governmental activities.

Expenditures this year for education are estimated at thirty-nine million, eight hundred thousand dollars. To continue this rate, appropriations for the next two years would be seventy-nine million, six hundred thousand dollars. This budget recommends appropriations for education totaling eighty-seven million, five hundred thousand dollars, an increase of seven million, nine hundred thousand dollars.

The major portion of the educational increase goes to the common school fund. The recommended appropriation for the biennium is $64,588,500, which is $15,588,500 more than was appropriated to the fund by the 1950 General Assembly.

The appropriation by the General Assembly to the common school fund, in 1950, was forty-nine million dollars, for the 1950-52 biennium. The 1951 special session of the General Assembly appropriated an additional six million dollars, which was to meet an amergency. An examination of this budget will show that we have been able to continue this increase for each of the next two years, and to add an additional sum of $3,588,500, for the biennium. Over the three-year period, including the current fiscal year and the coming biennium, the increase over the 1950 appropriation to the common school fund is $21,588,500.

The increase recommended in this budget is for the equalization portion of the fund. At present, the equalization is 14.05 per cent of the common school fund. The recommended appropriation will bring this figure to 17.53 per cent for 1952-53, and to 20.08 per cent for the fiscal year 1953-54.

Proposed appropriations for mental health services for the biennium are $9,942,000. This is an increase of one million, one hundred thousand dollars.

During recent years, Kentucky has steadily improved and expanded the physical plants of our mental hospitals. Mere custodial care however, does little to reduce population of our

institutions, because it does not discharge patients rapidly enough to stabilize hospital population.

The recommended appropriation for mental hospitals will provide for an intensive treatment program. The cost of mental health will rise, but at a far lower rate than would result from custodial care without additional treatment.

Thus, in the long run, a treatment program, aside from the humanitarian aspects, will result in economy.

This budget proposes $2,250,000 to enable the Health Department to establish units in all counties, and bring them to an economical operating level. This is an increase of $844,800.

The county health department is the basic unit in the State's program of providing health services to its citizens. Many of these departments are understaffed, and inadequately equipped, and do not give the State full value for each dollar expended, or serve their communities effectively.

The additional appropriations to health and welfare will be found in the tuberculosis hospital program, Welfare Department for the penal institutions, and other health and welfare services.

The distribution of the one million, nine hundred thousand dollar proposed increase under this budget, for all other governmental activities, is shown by your budget document.

Many factors, such as price increases, increased cost of personal services, loss of federal funds, and cost of replacing equipment, have been considered in reviewing the needs and distributing funds for support of all agencies.

The Commissioner of Finance estimates that the available surplus as of June 30, 1952, will be $12,894,720. I recommend appropriation of the entire amount for non-recurring expenditures.

The proposed budget appropriates from surplus ten million, six hundred thousand dollars, to the State Property and Buildings Commission.

This amount will enable the State to continue a planned building program in an orderly, systematic manner.

This budget also recommends appropriation of $348,220 from the general fund surplus, to the Teachers' Retirement Fund. This meets a need which is a result of legislative action imposing additional obligations against the fund.

Also recommended is an appropriation of forty thousand dollars to the Department of Education, to complete the survey of school facilities.

Other appropriations recommended go to the Agricultural and Industrial Development Board, to continue the mapping program, to the Airport Development Account, and to the Department of Finance and Statute Revision Commission, to establish working funds.

There is a further consideration in regard to surplus. In the event revenues do not reach expectations, the Commissioner of Finance will have the authority to reduce allotments. It is also necessary that we have flexibility, should revenues exceed the estimate.

To take care of such contingency, an escalator clause is included in the budget, which appropriates to a special emergency fund any revenues, up to three million dollars in excess of the first year's estimate of seventy-eight million dollars. Should any revenue accrue to this fund, it may be allocated by the Governor during the second year of the biennium.

This budget was prepared to distribute all available and anticipated funds under the existing revenue laws. In its preparation we have not anticipated any new tax measures. If YOU should make any additional appropriations, it will be necessary for YOU to enact revenue measures to support such appropriations.

Senator Montgomery moved that this Joint Session be now dissolved.

Said motion was agreed to.

Whereupon the President of the Senate resumed the chair of the Senate and called the Senate to order.

Senator Moloney moved that the Senate do now adjourn until 1 P. M., Wednesday, January 16, 1952.

Said motion was agreed to.

And then the Senate adjourned.

WEDNESDAY, JANUARY 16, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend E. W. Baxter, Pastor of the Church of the Ascension, of Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Dr. J. E. Johnson	Clay Shackleford
Bernard J. Bonn	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	Homer E. Losey	Paul Stapleton
Louis Cox	C. W. A. McCann	Otis C. Thomas
Archie Craft	James R. Mansfield	Wendell Van Hoose
Martin J. Duffy	Earl F. Martin	Sylvester Wagner
Ernest M. Ford	Strother Melton	Ed P. Warriner
Wayne Freeman	Richard P. Moloney	John M. Williams
Julian Golden	O. W. Montgomery	E. V. Withers
Doug Hays	Jack R. Reynolds	
Thomas Hines	Freeman Robinson	
Stanley Hoffman	William J. Sample	—36

The following Senators were absent—

James P. Hanratty	Bert Kiser	—2

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings of Tuesday, January 15, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

The Clerk of the Senate read the following communication from the Governor, viz:

COMMONWEALTH OF KENTUCKY
EXECUTIVE CHAMBER
FRANKFORT

January 16, 1952

Honorable Emerson Beauchamp
President of the Senate
Senate Chambers
Frankfort, Kentucky
My dear Mr. President:

Pursuant to the provisions of KRS 211.040 of the *Kentucky Revised Statutes,* I have appointed six members (listed below) to serve on the State Board of Health for the terms specified:

Name and Address	*Appointment Date*	*Expiration Date*
Dr. R. W. Robertson Paducah, Kentucky (Allopathic Member) _____	7-18-50	12-31-52
Dr. F. M. Travis Frankfort, Kentucky (Allopathic Member) _____	7-18-50	12-31-52
Dr. George S. Coon Louisville, Kentucky (Homeopathic Member) __	12-28-50	12-31-54
Dr. E. M. Howard Harlan, Kentucky (Allopathic Member) _____	12-28-50	12-31-54
Mr. Clarence Davis Louisville, Kentucky (Pharmacist Member) ____	1- 1-52	12-31-55
Dr. J. Watts Stovall Grayson, Kentucky (Allopathic Member) _____	1- 1-54	12-31-55

As these appointments are, according to the terms of the Statute, to be submitted to the Senate for its approval, I hereby request approval of these appointments.

Sincerely yours,
LAWRENCE W. WETHERBY
Governor

The Clerk of the Senate also read the following communication from the Governor, viz:

COMMONWEALTH OF KENTUCKY
EXECUTIVE CHAMBER
FRANKFORT
January 16, 1952

Lawrence W. Wetherby
Governor

MEMBERS OF THE STATE SENATE, GENERAL ASSEMBLY, FRANKFORT, KENTUCKY

Gentlemen:

By virtue of the authority vested in me under the provisions of KRS 278.050 I appointed, on January 2, 1952, Honorable Robert Coleman of Bowling Green, Kentucky, a member of the Public Service Commission of Kentucky for a term ending January 2, 1956.

I respectfully request that the Senate approve and confirm such appointment.

LAWRENCE W. WETHERBY
Governor

Senator Moloney moved that the Senate confirm said appointments made by the Governor.

The roll of the Senate was called which resulted in the confirmation of said appointments by unamimous vote of the duly elected Senators present and voting, as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—37

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Kidwell.

S. B. No. 23.

AN ACT providing for the proper display of the Flag of the United States of America in each and every polling or voting place in the Commonwealth of Kentucky on election days; providing for the methods and procedures to carry out its provisions, and providing penalties for the violation of same.

Said bill is as follows, viz:

WHEREAS under Public Law 827, 77th United States Congress, Chapter 806, 2nd session, a codification of existing rules and customs pertaining to the display and use of the flag of the United States of America was enacted into law, and whereas in said law it is provided in section two (2), subsection (F): "The flag should be displayed in or near every polling place on election days," and whereas the custom or use of the flag being displayed in or near every polling place on election days has been honored more in the breach than in its observance:

THEREFORE, the following Bill is presented for passage and enactment into law by the General Assembly of the Commonwealth of Kentucky.

AN ACT providing for the proper display of the Flag of the United States of America in each and every polling or voting place in the Commonwealth of Kentucky on election days; providing for the methods and procedures to carry out its provisions, and providing penalties for the violation of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That the Flag of the Government of the United States of America shall be displayed from a staff in every voting or polling place in the Commonwealth of Kentucky on election days.

2. It shall be the duty of the Sheriff of each county in this commonwealth to deliver to the sheriff or other election officer in each voting precinct at the established polling or voting place

on or before election days a flag of the Government of the United States of America for display in the polling and voting place together with a flagstaff and flag stand. It shall be the duty of the sheriff of the election or other election officers of the precinct to properly display such flag from a staff in the voting or polling place during the hours when the polling or voting place is open for voting. The flag so delivered and displayed shall conform to the specifications as set forth in Section 5 hereof. When the polls are closed on election days, it shall be the duty of the sheriff of the election or some other election officer of said voting or polling place to return said flag, the flagstaff and flag stand to the Sheriff of the county.

3. In order that the said flags be delivered by the sheriffs of the respective counties of the Commonwealth of Kentucky, it shall be mandatory and compulsory on the Fiscal Court of each county in Kentucky to purchase the flags, the flagstaffs and flag stands necessary to carry out the provisions of this Act, the costs of same to be paid out of the County Treasury. The said flags, flagstaffs and flag stands shall be turned over to the custody of the Sheriff of said county, who shall give to the Fiscal Court a receipt for same.

4. Whenever there is need to replace said flags, flagstaffs, flag stands, or any of them, because of wear or tear, or because they have been lost or destroyed, the Sheriff of said county shall so notify the Fiscal Court of said county, who shall replace said flags, flagstaffs, flag stands, or any of them.

5. The flags of the Government of the United States of America which are to be displayed at or near the voting place as herein provided shall be "weather flags, United States Government Grade 'A'" and shall not be less than three (3) feet at the hoist (width) and five (5) feet at the fly (length).

6. Any person or persons who willfully violate any of the provisions of this Act, shall upon conviction be fined, not less than ten dollars ($10) or more than fifty dollars ($50) for each offense.

7. All laws or parts of laws in conflict herewith are hereby repealed.

By Senator Shaikun.

S. B. No. 24.

AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.200 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The Board of Aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding, or exhibiting of any animal, article, or other thing. License fees on such business, trade, occupation or profession for revenue purposes shall be imposed at a rate not to exceed one percent (1%) of (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city, and (b) the net profits of all businesses, professions, or occupations from activities conducted in the city. Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state, or in other case where the city is prohibited by statute from imposing a license tax.

(2) License fees or taxes shall be collected by the Commissioners of the Sinking Fund. The proceeds from such taxes shall be paid to the Secretary and Treasurer of the Sinking Fund until income from all sources of the Sinking Fund shall be sufficient to pay the costs of administration and the interest charges for the current fiscal year of the Sinking Fund, in addition to a

sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(3) Revenue remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the General Fund of the city as received until such receipts during the fiscal year of the city shall reach the sum of Three Million Seven Hundred and Fifty Thousand Dollars ($3,750,000.00). Any revenues in excess of said amount received during the fiscal year of the city shall be placed in an account designated "Special Capital Fund Account" and expended for capital improvements as hereinafter defined. Provided, however, twenty-five percent (25%) of the revenues so deposited to such Special Capital Fund Account during the fiscal year commencing next following the effective date of this Act, or any lesser amount remaining in said Fund at the end of said fiscal year, may be transferred to the General Fund of the city at the beginning of the fiscal year thereafter. After the initial division of said portion to the General Fund, twenty-five percent (25%) of the revenues so deposited to the Special Capital Fund Account during each fiscal year of the city, or any lesser amount remaining in said Fund at the end of said fiscal year, may be transferred to the General Fund of the city at the beginning of the succeeding fiscal year; provided further that funds from the Special Capital Fund Account may be encumbered for purposes other than capital improvements only after transfer to the General Fund.

(4) The term "Capital improvements" as used herein shall refer to lands or buildings and structures, or either or both, but shall be limited to additions or improvements of a substantial and permanent nature and shall include but not be limited to the purchase of rights-of-way for highway and expressways, the purchase of lands for park and recreational purposes and for public off-street parking facilities, the purchase or construction of municipal buildings, and the renovation and initial equipment of any newly acquired facility, wherein any essential governmental function of the municipality may be located or carried on, and for the purchase and installation of traffic control devices. The term "capital improvements" as used herein shall not include the

maintenance of existing streets or other public ways except that the purchase of rights-of-way for widening of existing streets shall be considered a capital improvement as herein defined.

(5) Ad valorem taxes for the benefit of the Sinking Fund shall not be levied unless the income of the Sinking Fund is otherwise insufficient to meet such requirements.

(6) Licenses shall be issued and enforced on such terms and conditions as may be prescribed by ordinance.

Section 2. Whereas, revenues from licenses in cities of the first class are available to the extent contemplated in this Act; and, whereas, under the present law a large portion of such revenues are allocated for special purposes for which such cities have not present use; and whereas such cities are in immediate need of unallocated funds for general uses, as provided by this Act, an emergency is hereby declared to exist, and this Act shall be effective immediately upon its passage and approval by the Governor.

By Senator McCann.

S. B. No. 25. AN ACT concerning equipment of vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No motor vehicle shall be equipped with a television receiver unless the owner of such vehicle shall have secured a permit therefor from the Commissioner of State Police. The Commissioner may grant a permit upon such terms and conditions as he may prescribe.

Section 2. Any person who equips or operates a vehicle in violation of Section 1 of this Act shall be guilty of a misdemeanor.

By Senator Van Hoose.

S. B. No. 26. AN ACT relating to the establishment of a Veterans Service Commission and providing for its organization, functions, and appropriations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is created a commission to be known as the Kentucky Veterans Service Commission, which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The Commission shall be composed of nine members, five of whom shall be veterans of World War I or World War II. All appointments including appointments of successors and filling of vacancies shall be made by the Governor. Appointment of veteran members shall be made from a list of five names for each position to be filled submitted by the Commander of the American Legion, Department of Kentucky, such list to be approved by the Executive Committee of the American Legion, Department of Kentucky. The members of said Commission shall serve for a term of two years.

Section 2. The members of the board shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary traveling and lodging expenses incurred in the proper performance of their duties in or out of this state.

Section 3. The purpose of the Kentucky Veterans Service Commission shall be to study, prepare, and recommend a plan providing for the payment of a bonus to war veterans. The Commission shall include in its recommended plan the sources from which funds may be derived; the veterans who shall be entitled to the bonus; the amount to be paid and the method of distribution. Said study shall be complete and ready for submission to the General Assembly for consideration at the regular 1954 session.

Section 4. "Veterans" as used in this section, include any individual who served on active duty during peace or war in the armed forces of the United States and who has received an honorable discharge from such service.

By Senator Warinner.

S. B. No. 27. AN ACT relating to motor vehicles and oper-

ators, amending subsection (1) of Section 186.420 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 186.420 of the Kentucky Revised Statutes is amended to read as follows:

(a) Any resident of this state, who is a member of the Armed Forces of the United States during a National Emergency or when the United States is engaged in a war with some other country, and any resident of this state who has served honorably in the Armed Forces of the United States during any of the wars in which the United States has been engaged shall, upon application to the circuit court clerk of his county and upon the payment of a fee of fifty cents to said clerk, be issued an operator's license to operate motor vehicles upon the highways of this state, and such operator's license shall remain in full force and effect without renewal, but subject to revocation for violation of any motor vehicle traffic laws.

(b) No person need obtain an operator's license to operate a road roller, road machinery or any tractor or implement of husbandry temporarily drawn or propelled on the highways.

By Senator Warinner.

S. B. No. 28. AN ACT relating to the fees and compensation of clerks of circuit courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of section 64.020 of the Kentucky Revised Statutes is amended to read as follows:

(2) Circuit clerks in all courts not in continuous session shall be paid a salary of $100. per month out of the State Treasury for services rendered for the Commonwealth in prosecution of felony cases in their respective courts. In all cases of con-

viction for a felony in the circuit courts a charge of five dollars shall be taxed against the defendant as costs in favor of the Commonwealth.

Section 2. Subsection (3) of section 64.020 of the Kentucky Revised Statutes is repealed.

By Senator Warinner.

S. B. No. 29. AN ACT relating to the conduct of Regular Elections, amending Section 118.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 118.040 of the Kentucky Revised Statutes, 1948 edition, is amended to read as follows:

The polls shall be opened at 7 a. m. and kept open continuously until 5 p. m. on the same day. Before receiving any ballots, the officers of election shall cause to be proclaimed that the election is opened.

By Senator Warinner.

S. B. No. 30. AN ACT relating to School Employes, Teachers' Retirement and Tenure, amending Section 161.150 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.150 of the Kentucky Revised Statutes, 1948 edition, is amended to read as follows:

Each school district shall pay its teachers according to a salary scheduled based on training, quality of service, experience, and such other items as the State Board of Education approves. A copy of the salary schedule prepared by each district board shall be filed with the State Board of Education. In case a district board is not able to pay all of its teachers the minimum

salary provided in this section, the State Board of Education may approve a salary schedule for that board authorizing the payment of salaries below the minimum provided in this section. No teacher regularly employed in the public schools shall receive a salary of less than twenty-four hundred dollars for each school year if the revenue received by the district from the state per capita plus one-half of the revenue received from local taxation will produce sufficient revenue to pay such salary to elementary and high school teachers, allowing one teacher for each forty census pupils in the district.

By Senator Warinner.

S. B. No. 31. AN ACT making an appropriation from the State Road Fund for the benefit of fifth and sixth class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the state Road Fund for each of the fiscal years of 1952-53 and 1953-54 the sum of $2,000,000.00.

Section 2. The sum appropriated herein shall be used by all the cities of the fifth and sixth classes in the Commonwealth only for the construction and maintenance of streets, sidewalks, curbing and gutters.

Section 3. Twenty-five percent of the sum appropriated herein shall be for the use of all the sixth class cities of the Commonwealth and the remaining seventy-five percent shall be for the use of all the fifth class cities. All cities in a particular class shall share equally in the fund available to that class of cities.

By Senator Warinner.

S. B. No. 32. AN ACT relating to the obtaining of credit for merchants.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any merchant in this state, before extending credit to any person applying for same, may require such person to sign, in presence of two witnesses, a credit statement containing such information as is reasonably required to determine the credit rating of the person.

Section 2. Any person who makes a false statement in any credit statement executed under Section 1 of this Act shall be deemed guilty of obtaining property under false pretenses, and shall be confined in the county jail for not more than six months or fined not more than five hundred dollars, or both.

By Senator Warinner.

S. B. No. 33. AN ACT relating to Primary Elections, amending Section 119.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 119.040 of the Kentucky Revised Statutes, 1948 edition, is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in August of each year between the hours of 7 a. m. and 5 p. m. at the regular polling places in each election precinct.

By Senator Martin.

S. B. No. 34. AN ACT relating to the financial responsibility of owners and operators of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Revenue,

(2) "Motor Vehicle" means any vehicle required to be registered under the provision of KRS 186.020.

(3) "Express or implied consent" or "express or implied permission," as used with reference to the owner of a motor vehicle, means initial consent by the owner, or if he is a natural person, by an adult member of his immediate family, to the taking of possession of the motor vehicle for the purpose of use or operation, regardless of any limitations or restrictions attached to such consent or permission with respect to the manner, method, purposes, place or period of the use or operation.

Section 2. No motor vehicle, except one owned by the state or a political subdivision thereof, or by the Federal Government, shall be registered under the provisions of KRS Chapter 186 unless the application for registration is accompanied by a certificate of proof of the owner's ability to respond in damages as provided in this Act, nor shall any receipt showing transfer of registration on change of ownership of such a motor vehicle be issued under the provisions of KRS 186.190 unless the purchaser, at the time of applying for the transfer of registration, presents such a certificate of proof of his ability to respond in damages.

Section 3. Proof of ability to respond in damages as contemplated in Section 2 of this Act shall be proof of the owner's ability to respond in damages for liability thereafter incurred, arising out of the ownership, maintenance or use, by the owner or by any other person with his express or implied consent, of the motor vehicle sought to be registered, in the amount of five thousand dollars because of bodily injury to or death of any one person, and, subject to said limit respecting one person, in the amount of ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of one thousand dollars because of injury to or destruction of property in any one accident. Such proof in such amounts shall be furnished for each motor vehicle registered by any person.

Section 4. The certificate of proof of ability to respond in damages, required by Section 2 of this Act, may consist of any one of the following:

(1) A certificate of an insurance company authorized to do business in this state, that it has issued to or for the benefit of the person named in the certificate a motor vehicle liability policy meeting the requirements of Sections 5 and 6 of this Act which, at the date of the certificate, is in full force and effect and which, unless cancelled as provided in Section 10 of this Act, will continue in full force and effect during the ensuing registration year. The certificate shall designate, by explicit description or by other adequate reference, all motor vehicles to which the policy applies, and shall specify the name, address and business of the insured, the kind of insurance afforded by the policy, the premium charged for it, the policy period and the limits of liability. The certificate shall cover the motor vehicle sought to be registered, and may cover more than one or all of the motor vehicles owned by the insured. The certificate shall certify that the policy described in the certificate will not be cancelled except as provided in Section 10 of this Act, and that the policy complies with the requirements of this Act. The issuance of such a certificate shall be conclusive evidence that the policy described in the certificate conforms to all the requirements of this chapter.

(2) A certificate of the Department of Revenue that the person applying for registration of the motor vehicle has filed with the Department a bond meeting the requirements of Section 7 of this Act and covering the vehicle sought to be registered.

(3) A certificate of the Department of Revenue that the person applying for registration of the motor vehicle has deposited with the department money or securities meeting the requirements of Section 8 of this Act.

(4) In the case of a motor vehicle to be operated by a common carrier or contract carrier of passengers or property, or as a city bus or taxicab, a certificate of the Division of Motor Transportation that the person applying for registration has filed with the division a bond, insurance policy or deposit meeting the requirements of KRS 281.080, 281.230, or 281.460, as the case may be, and covering the vehicle sought to be registered.

(5) A certificate of the Department of Revenue that the

person applying for registration of a motor vehicle has complied with the provisions of Section 17 of this Act with respect to self-insurance.

Section 5. (1) A motor vehicle liability policy, in order to constitute proof of ability to respond in damages under the provisions of this Act, shall meet the following requirements:

(a) It shall specify the name, address and business, if any, of the insured, the coverage afforded by the policy, the premium charged, the policy period and the limits of liability. It shall designate by explicit description or appropriate reference all motor vehicles in respect to which coverage is granted.

(b) It shall insure the person named in it and any other person using or responsible for the use of the motor vehicle with the express or implied permission of the insured.

(c) It shall insure every such person on account of the maintenance, use or operation of the motor vehicle within the continental limits of the United States or Canada against loss from the liability imposed by law arising from maintenance, use or operation, to the extent required by Section 3 of this Act, exclusive of interest and costs, with respect to each motor vehicle.

(d) It shall contain an agreement that the insurance is provided in accordance with the coverage defined in this Act respecting bodily injury, death or property damage, or both, and that it is subject to all the provisions of this Act.

(2) The policy may grant any lawful coverage in excess of or in addition to the coverage specified in this section, and contain any lawful agreements, provisions or stipulations consistent with this Act.

(3) No policy intended to be used as proof of ability to respond in damages shall be issued by any insurance company unless the form of the policy has been approved by the Division of Insurance, and no insurance company shall issue any certificate of the kind contemplated by subsection (1) of Section 4 of this Act unless the form of the policy described in the certificate has been approved by the Division of Insurance.

Section 6. (1) Every motor vehicle liability policy with

respect to which the insurer has issued a certificate under the provisions of subsection (1) of Section 4 of this Act shall be subject to the following provisions, whether or not they are contained in the policy:

(a) The liability of the insurer shall become absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage shall not be a condition precedent to the right or obligation of the insurer to make payment on account of the loss or damage.

(b) The insurer may settle any claim covered by the policy, and if a settlement is made in good faith, the amount of it shall be deductible from the limits of liability specified in the policy.

(c) No policy shall be cancelled or annulled as respects any loss or damage by any agreement between the insurer and the insured after the insured has become responsible for the loss or damage, and any such cancellation or annulment shall be void.

(d) The policy, the written application, if any, and any rider or indorsement which does not conflict with this chapter shall constitute the entire agreement between the parties.

(2) The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurer for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy. If the policy provides for limits in excess of the limits specified in Section 2 of this Act, the insurer may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance.

Section 7. (1) Any person desiring to furnish proof of ability to respond in damages by means of a bond shall file with the Department of Revenue a bond of a surety company authorized to transact business in this state, or a bond with at least two individual sureties, each of whom owns real estate within

this state, and which real estate shall be scheduled in the bond. In the case of a bond with such individual sureties, the bond must be approved by the county judge or circuit judge of the county in which the real estate is located.

(2) Any bond filed pursuant to subsection (1) of this section shall be conditioned for payment within the limits specified in Section 3 of this Act, by the principal in the bond or by any person using or responsible for the use of the motor vehicle with the express or implied consent of the principal of any final judgment against such principal or other person on account of bodily injury, death or property damage resulting from the maintenance, use or operation of the motor vehicle described in the bond.

(3) A bond with individual sureties filed pursuant to subsection (1) of this section shall constitute a lien in favor of the state upon the scheduled real estate of the sureties, and the lien shall exist in favor of any holder of a final judgment for damages against the principal in the bond or against any person using or responsible for the use of the motor vehicle described in this bond with the express or implied consent of the principal, on account of bodily injury or death, or property damage, resulting from the maintenance, use or operation of the motor vehicle described in the bond. The lien shall run from the time of filing of notice to that effect by the department in the office of the county court clerk of the county in which the real estate is located. The county court clerk shall record such notice of lien in a book to be kept for that purpose, styled "Motor Vehicle Responsibility Liens." The clerk shall receive a fee of one dollar for recording each such notice of lien, to be paid by the person filing the bond.

Section 8. Any person desiring to furnish proof of ability to respond in damages by means of a deposit of money or securities shall deposit with the Department of Revenue the sum of ten thousand dollars in cash, or securities approved by the Commissioner of Revenue having a value of not less than ten thousand dollars, and at the same time shall execute a statement, upon a form prescribed by the department, to the effect that the deposit is made in accordance with and subject to the provisions of this Act, and that the money or securities so de-

posited may be applied, within the limits specified in Section 3 of this Act, in payment of any final judgment for damages that may be rendered against such person, or against any other person using or responsible for the use of the motor vehicle described in such statement with the express or implied consent of the owner, on account of bodily injury or death, or property damage, resulting from the maintenance, use or operation of the motor vehicle described in the statement. The Department of Revenue shall issue a receipt for the money or securities so deposited, and shall deliver the money or securities to the State Treasurer to be held in a separate account for the purpose set forth in this Act. The department shall not accept any deposit under this section unless it is accompanied by evidence that there are no unsatisfied judgments against the depositor of record in the office of the county court clerk or circuit court clerk of the county in which the depositor resides.

Section 9. (1) Upon the filing of a bond pursuant to Section 7 of this Act, or upon the making of a deposit pursuant to Section 8 of this Act, the Department of Revenue shall issue an appropriate certificate to the person filing the bond or making the deposit, for presentation to the county court clerk as provided in Section 4 of this Act.

(2) A bond, money or securities filed or deposited under the provisions of section 7 or 8 of this Act shall be held by the Department of Revenue (or State Treasurer) to satisfy any execution issued against the person filing the bond or making the deposit, on a judgment for damages arising out of the ownership, maintenance, use or operation of the motor vehicle covered by the bond or deposit, or issued against any person using or responsible for the use of such motor vehicle with the express or implied consent of the owner of the vehicle, on a judgment for damages arising out of the maintenance, use or operation of the motor vehicle by such person. Money or securities so deposited and held shall not be subject to attachment or execution unless the attachment or execution arises out of such a suit for damages. If such a judgment rendered against a person covered by a bond filed under Section 7 of this Act is not satisfied within thirty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an

action in the name of the state against the sureties on the bond, including, in the case of a bond with individual sureties, an action to foreclose the lien upon the real estate scheduled in the bond.

Section 10. (1) No motor vehicle liability policy with respect to which the insurer has issued a certificate under the provisions of subsection (1) of Section 4 of this Act may be cancelled during the policy period, and no bond filed pursuant to Section 7 of this Act may be cancelled or withdrawn during the license year for which it was filed, except for one of the following causes:

(a) Any cause which would authorize or require the Department of Revenue to suspend or revoke the operator's license of the owner of the vehicle covered by the policy or bond.

(b) Entry of a civil judgment against the owner of the vehicle or against any other person covered by the policy or bond, for damages for bodily injury, death or property damage resulting from the use or operation of the motor vehicle covered by the policy.

(c) Violation by the insured of a lawful provision of the policy.

(d) A cause which, in the opinion of the Department of Revenue, constitutes an adequate reason for cancellation.

(2) Any insurer or surety desiring to cancel such a policy or bond shall give written notice to the Department of Revenue, stating a date, not sooner than ten days after the date on which such notice is given, as of which the cancellation is proposed to become effective. This notice shall be accompanied with a statement of the cause for which the cancellation is to be made. If the department is satisfied that the cause is a proper one, it shall forthwith suspend the registration certificate of the motor vehicle covered by the policy or bond, and the certificate shall remain suspended until the owner of the vehicle gives new proof of his ability to respond in damages in accordance with this Act. If the department is not satisfied that the cause is a proper one, it shall so notify the insurer or surety, and the cancellation shall not become effective. When a registration certificate is

suspended under the provisions of this section, the department shall so notify the county clerk by whom the certificate was issued.

Section 11. Certificates presented to the county court clerk pursuant to section 4 of this Act shall be filed by the clerk with the registration records of the persons by whom the certificates were presented, and shall be kept on file and not returned to the registrant. For his services under this section the county court clerk shall be entitled to a fee of fifty cents for each certificate filed by him, to be paid by the person presenting the certificate.

Section 12. No certificate of proof of ability to respond in damages shall be valid, for the purpose of authorizing registration or transfer of registration of a motor vehicle, for any registration year other than the registration year for which it was issued, which year shall be stated in the certificate. Where proof of ability to respond in damages has been made by the filing of a bond, the Department of Revenue may issue a certificate for a subsequent registration year only upon the filing of a new bond meeting the requirements of this Act. Where proof of ability to respond in damages has been made by a deposit of money or securities, the Department of Revenue may issue a certificate for a subsequent registration year upon the same deposit, if the depositor executes a new statement, in accordance with the provisions of Section 8 of this Act, for such subsequent registration year, and presents satisfactory evidence that there is no claim outstanding against him, or against any person who has operated the motor vehicle with his express or implied consent, for damages arising out of the maintenance, use or operation of the motor vehicle covered by the deposit during the expiring or immediately expired registration year.

Section 13. Where, during any registration year, the person in whose name a motor vehicle has been registered sells or otherwise parts with ownership of the vehicle, and acquires another motor vehicle which he desires to register, the county court clerk may register the same upon presentation of satisfactory proof of the sale or other disposition of the original motor vehicle, and

(1) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by an insurance company, presentation of a certificate from such company that it has issued an endorsement or rider to the original policy, covering the motor vehicle proposed to be registered; or

(2) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by the Department of Revenue upon a bond filed with the department, presentation of a new certificate from the department certifying that the bond has been endorsed, by the principal and sureties, to cover the vehicle proposed to be registered; or

(3) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by the Department of Revenue upon a deposit of money or securities, presentation of a new certificate from the department certifying that the depositor has executed an amended statement covering the vehicle proposed to be registered; or

(4) In any case, presentation of a new certificate of proof of ability to respond in damages meeting the requirements of this Act.

Section 14. Money or securities deposited pursuant to Section 8 of this Act may be returned to the person entitled thereto, upon the furnishing of satisfactory evidence that there is no claim outstanding against the depositor, or against any person who has operated the motor vehicle with his express or implied consent, for damages arising out of the maintenance, use or operation of the motor vehicle covered by the deposit during the registration period covered by the deposit, in any of the following events:

(1) The death of the depositor.

(2) Presentation of proof that the depositor has sold or otherwise disposed of the vehicle covered by the deposit.

(3) Presentation of proof that the depositor has furnished another form of proof of ability to respond in damages, meeting the requirements of this Act, covering the same vehicle.

(4) Surrender of the registration certificate for the vehicle covered by the deposit.

(5) The expiration of the registration year for which the deposit was made.

Section 15. Any person whose registration certificate has been suspended under the provisions of Section 10 of this Act shall, upon request of the Department of Revenue, immediately return to the department the registration certificate and the number plates. If any person willfully fails to return to the department such certificate and plates, the department shall forthwith direct any peace officer to secure possession and return them to the department.

Section 16. An insurance company which has issued a motor vehicle liability policy meeting the requirements of this Act shall, upon request of the insured and without charge, deliver to the insured a certificate that complies with subsection (1) of Section 4 of this Act, but not more than one such certificate shall be issued for any policy, except as provided in subsection (1) of Section 13 of this Act.

Section 17. (1) Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section.

(2) The department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possesed of ability to pay judgments obtained against such person.

(3) Upon not less than five days' notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Section 18. No person shall forge, or sign without authority, any evidence of ability to respond in damages required by this Act.

Section 19. The Department of Revenue shall make rules and regulations necessary for the enforcement and administration of this Act.

Section 20. This Act shall not prevent a plaintiff from relying for relief upon the other processes provided by law.

Section 21. Any person who violates any of the provisions of this Act shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not more than ninety days, or both.

Section 22. Sections 187.290 and 187.990 of the Kentucky Revised Statutes are repealed.

Section 23. Any sums appropriated to the Department of Revenue for administration and enforcement of the provisions of KRS 187.290 to 187.990 shall be available to the departments for the administration and enforcement of this Act.

By Senator Martin.

S. B. No. 35. AN ACT to establish an alcoholic rehabilitation commission and to establish a program for the rehabilitation of alcoholics, promote temperance and provide for the medical and scientific treatment of persons found to be alcoholics by the courts of the Commonwealth of Kentucky, to prevent the excessive and abusive use of alcoholic beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PURPOSE

Sec. 1. The purpose of this Act is to establish a program for the rehabilitation of alcoholics, promote temperance, and provide for the medical, psychiatric and other scientific treatment of chronic alcoholics; to minimize the deleterious effects of excessive drinking on those who pass through the courts of the Commonwealth of Kentucky; to reduce the financial burden imposed upon the people of the Commonwealth of Kentucky by the abusive use of alcoholic beverages, as is reflected in mounting accident rates, decreased personal efficiency, growing absentee-

ism, and a general increase in the amount and seriousness of crime in the Commonwealth of Kentucky and to substitute for jail sentences for drunkenness medical and other scientific methods of treatment which will benefit the individual involved and more fully protect the public. In order to accomplish this purpose and alleviate the problem of chronic alcoholism, the courts of the Commonwealth of Kentucky are hereby authorized to take judicial notice of the fact that a chronic alcoholic is a sick person and in need of proper medical, institutional, advisory and rehabilitative treatment, and the court is authorized to direct that he receive appropriate medical, psychiatric, or other treatment as provided under the terms of this Act.

DEFINITIONS

Sec. 2. (a) The term "chronic alcoholic" means any person who chronically and habitually uses alcoholic beverages to the extent that he has lost the power of self-control with respect to the use of such beverages, or while under the influence of alcohol endangers the public morals, health, safety, or welfare.

(b) "Commission" means the alcoholic rehabilitation commission which is hereby created.

(c) "Director" means the Director of the clinic herein provided for.

Sec. 3. (a) For the purpose of carrying out the provisions of this Act, there is hereby created a Commission to be hereafter known as The Alcoholic Rehabilitation Commission.

(b) The Commission shall consist of the Commissioner of the Department of Health, the Director of the Division of Hospitals and Mental Hygiene of the Department of Welfare, the Commissioner of the Department of Welfare, the Superintendent of Public Instruction and the Attorney General for the Commonwealth of Kentucky.

(c) No salary or other compensation shall be allowed any member of the Commission but each Member may be reimbursed for actual and necessary expenses incurred in the performance of his official duties.

(d) The Commissioner of the Department of Health shall be Chairman of the Commission by virtue of his office.

(e) The Director of the Division of Hospitals and Mental Hygiene of the Department of Welfare shall serve as technical secretary and administrative agent. During the interim between meetings, he shall perform in the name of the Commission the functions and duties and shall exercise such authority of the Commission as the Commission may by resolution delegate to him. The Commission may employ such technicians, stenographers, clerical and other assistants as may be required in order to carry out the provisions of this Act, may define their powers and duties and may fix their compensation, which shall be paid out of the Treasury of the Commonwealth of Kentucky out of appropriations available for that purpose, upon requisition of the Commission.

(f) Technical, scientific, psychiatric, medical, legal or other services required by the Commission shall be performed, in-so-far as practical by the Department of Health, the Department of Welfare, the Division of Hospitals and Mental Hygiene and other State Departments without additional compensation, but the Commission may employ such other personnel as may be necessary to carry out the provisions of this Act. The Commission may request and receive the assistance of any state or municipal or educational institution, experiment station, laboratory or other agency when it is determined necessary or beneficial by the Commission to carry out the provisions of this Act.

(g) The Commission shall hold regular meetings at least once every two months, the time and place of which shall be determined by the Commission. Special meetings may be called by the Chairman or by three members of the Commission by delivering to the office of each Member of the Commission a written notice thereof, at least 5 days in advance of the date of any such meeting. Three (3) Members of the Commission shall constitute a quorum at any meeting. The Commission shall establish by-laws for the conduct of its meetings and a complete and accurate record shall be kept of all its proceedings.

POWERS AND DUTIES OF COMMISSION

Sec. 4. (a) The Commission is hereby authorized and

directed to establish and equip a clinic in connection with either some existing hospital or with some correctional institution or other facility for the diagnosis, classification, hospitalization, confinement, treatment, and study of persons who are found to be chronic alcoholics, as defined herein, by any court of the Commonwealth of Kentucky.

(b) The Commission is also directed to utilize the alcoholic clinic services for the treatment of the chronic alcoholics as authorized by this Act and for the purpose of preparing and administering a program for the rehabilitation of alcoholics and the promotion of temperance through teaching and training of professional personnel and use through community organization.

Sec. 5. In any criminal case, brought to trial before any court in the Commonwealth of Kentucky, in which the evidence indicates that the defendant is a chronic alcoholic within the meaning of Section 2 (a) of this Act, the judge may suspend the proceedings in the case and order that a hearing be held, upon sufficient notice, to determine whether the defendant is a chronic alcoholic. The hearing shall be conducted by the judge without a jury, unless the defendant requests a jury. The Defendant shall be entitled to representation at the hearing by an attorney of his own choice, and if the defendant does not select an attorney, the court shall appoint an attorney to represent the defendant. If, after the hearing, the judge, or the jury, as the case may be, determines that the defendant is a chronic alcoholic, the court may order that he be committed to the clinic for diagnosis, classification, and treatment as his condition may require, provided the term of commitment shall not exceed ninety days.

Sec. 6. The director of the clinic shall provide a classification and diagnostic center. Every person committed to the clinic shall first be sent to this classification and diagnostic center for observation, examination, and classification. The classification center shall make a complete study of each person committed, including mental and physical condition, personal traits, pertinent circumstances of spiritual, school and family life, and any delinquency, criminal experience or other factors contributing to his addiction to alcohol.

Sec. 7. The director may then recommend to the committing judge that the person committed,

(1) be permitted to remain at liberty conditionally and under supervision, or

(2) be placed in an appropriate agency, hospital, or institution in the Commonwealth of Kentucky, for treatment as a chronic alcoholic, or

(3) be returned to the court from which he was committed for trial upon the original offense charged or for such action as the court may deem proper. The court may thereupon, in its discretion, issue such orders as it deems necessary and proper in the case.

Sec. 8. At the expiration of the term of commitment the chronic alcoholic must be discharged, unless the director of the clinic recommends to the court to the expiration of the term of commitment that he is in need of additional treatment in an appropriate hospital or institution, in which event the court will conduct a second hearing, in the same manner and upon the same conditions as provided in Section 5 of this Act, for the first hearing, as to his condition, and may order the chronic alcoholic recommitted for an additional period of ninety days or less as his condition requires.

Sec. 9. A chronic alcoholic committed to the clinic and who is permitted to remain at liberty or conditionally released shall be under the supervision of the probation office of the court in which he was committed, or the clinic, or such other agency, public or private, as the court may determine.

Sec. 10. A defendant, if financially able, may request the Commission to allow him to be committed to any private hospital or institution within the Commonwealth of Kentucky, approved by the Commission, for the treatment and rehabilitation of alcoholics, in which event, the defendant may be committed or recommitted as herein provided at his own expense, and in no case where the defendant is allowed to be committed to any hospital, clinic or private institution, or agency, not provided for by the Commission as a public agency, shall the Commission

or the Commonwealth of Kentucky be liable for the cost of treatment or rehabilitation.

Sec. 11. No chronic alcoholic shall be committed to a clinic, agency, hospital or institution under the terms of this Act until the Commission shall certify to the courts for the Commonwealth of Kentucky, the extent to which proper and adequate treatment facilities and personnel have been provided to carry out the purposes of this Act.

Sec. 12. Any resident of the Commonwealth of Kentucky who is a chronic alcoholic within the meaning of this Act may voluntarily submit himself for admission, examination, and treatment in the clinic, established under this Act. If he is found to be a chronic alcoholic, the applicant may be admitted to the clinic for such period of time as is estimated by the director as necessary to effect a cure. He may be given such treatment, guidance, and help as the director deems appropriate except that he may not be committed to a correctional institution. Any such chronic alcoholic voluntarily applying may be required to pay the cost of his subsistence, care and treatment. All such money shall be covered into the credit of the appropriation from which the expenditure was made. The Commission may establish or approve such rules and regulations as may be necessary to carry out the provisions of this section.

Any resident of the Commonwealth of Kentucky who voluntarily submits himself for admission and treatment in the clinic shall not forfeit or abridge thereby any of his rights as a citizen of the United States, nor shall the fact that he has submitted himself for admission and treatment or that he has been given help or has submitted himself to any study, treatment, or guidance be used against him in any proceeding in any court. The record of any application under this section by any individual for admission and treatment in the clinic and the record of any study of, or treatment, guidance or help furnished to any individual admitted in the clinic under this section shall be confidential and not be divulged except in order of the court. No order may be made under Section 6 with respect to any such individual except as provided under the rules and regulations of

the Commission in effect at the time such individual voluntarily submitted himself for admission and treatment in the clinic.

Sec. 13. The Commission may contract with any appropriate agency not under its control, which has proper and adequate treatment facilities and personnel to carry out the purposes of this Act, for the custody, care, subsistence, treatment, and training of persons committed to the alcoholic clinic herein authorized.

Sec. 14. The Commission is authorized and directed to appoint a director of the clinic, who shall be a qualified physician with such training in psychiatry as they may prescribe, the necessary medical officers, psychiatrists, probation officers, social-case workers, and other personnel needed to carry out the purposes of this Act.

Sec. 15. The Director of the clinic shall from time to time submit to the Commission such recommendations as will further the rehabilitation of chronic alcoholics, prevent the excessive and abusive use of alcoholic beverages, promote temperance, and he shall also gather and publish as complete and accurate data as is possible relating to the physiological, psychological, economic, and social effects of the abusive use of alcoholic beverages and shall prepare and publish materials, data, and information to be used in a program of public education in the Commonwealth of Kentucky directed toward the prevention and use of alcoholic beverages excessively and abusively.

Sec. 16. Five percent (5%) of the annual fees for licenses and taxes for the manufacture or sale of all alcoholic beverages, distilled spirits and malt beverages accruing to the Commonwealth of Kentucky by reason of any existing Statutory Law of the Commonwealth of Kentucky and five percent (5%) of all fines and forfeitures accruing to the Commonwealth of Kentucky through any courts within the Commonwealth of Kentucky, is hereby set aside and earmarked for the alcoholic rehabilitation Commission and any revenue resulting is hereby permanently appropriated to carry out the purposes of this Act.

Sec. 17. The Commission shall appoint a committee, to be composed of six outstanding residents of the Commonwealth of Kentucky to advise and consult with the Commission and to

assist them in carrying out the provisions of this Act. The Members of the committee shall serve without compensation and shall serve for a period of one year and until their successors are appointed.

By Senator Reynolds.

S. B. No. 36. AN ACT requiring that motor vehicles be listed for property taxation with the County Tax Commissioner before being licensed.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 186.020 (1) (b) of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) (b) The owners registration receipt, if the motor vehicle was last registered in this State, and a receipt from the County Tax Commissioner showing that the vehicle has been listed for property taxation assessment, excepting Franchised Motor Vehicles, said receipt forms to be furnished to the County Tax Commissioner by the Department of Revenue and to be filled in and signed in duplicate by the County Tax Commissioner at the time the motor vehicle is listed, the original receipt being given to the vehicle owner and the duplicate receipt being delivered or mailed to the County Clerk by the County Tax Commissioner and being maintained by the County Clerk during the current calendar year in an alphabetical file so that in the event the vehicle owner loses the original receipt issued him by the County Tax Commissioner the County Clerk can use the duplicate receipt which is in his alphabetical file to meet the requirements of this section; or;

Ordered that said bills be printed and referred.

Senator Moloney moved that the Senate do now recess for 15 minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and called the Senate to order.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

H. Res. No. 1. A JOINT RESOLUTION appropriating Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Archie Craft	Doug Hays
Bernard J. Bonn	Martin J. Duffy	Thomas Hines
Eugene H. Clark	Ernest M. Ford	Stanley Hoffman
Augustus Cornett	Wayne Freeman	Dr. J. E. Johnson
Louis Cox	Julian Golden	Alvin Kidwell

James Lassiter	O. W. Montgomery	Paul Stapleton
Homer E. Losey	Jack R. Reynolds	Otis C. Thomas
C. W. A. McCann	Freeman Robinson	Wendell Van Hoose
James R. Mansfield	William J. Sample	Sylvester Wagner
Earl F. Martin	Clay Shackleford	Ed P. Warriner
Strother Melton	Leon Shaikun	John M. Williams
Richard P. Moloney	Cortis K. Stacy	E. V. Withers

—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz.:

H. Res. No. 2. A JOINT RESOLUTION appropriating additional compensation for officers and employees of the House and Senate, and declaring an emergency.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolu-

tion in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	James Lassiter	Leon Shaikun
Augustus Cornett	Homer E. Losey	Cortis K. Stacy
Louis Cox	C. W. A. McCann	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warriner
Julian Golden	O. W. Montgomery	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest" and declaring an emergency.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	James Lassiter	Leon Shaikun
Augustus Cornett	Homer E. Losey	Cortis K. Stacy
Louis Cox	C. W. A. McCann	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warriner
Julian Golden	O. W. Montgomery	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 1 P. M., January 17, 1952.

Said motion was agreed to.

And then the Senate adjourned.

THURSDAY, JANUARY 17, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend E. W. Baxter, Pastor of the Church of the Ascension, of Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Jack R. Reynolds	—35

The following Senators were absent—

Jas. P. Hanratty	Bert Kiser	Cortis Stacy

—3

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings of Wednesday, January 16, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

The Clerk of the Senate read the following communication from the Governor, viz:

"MEMORANDUM

From

THE OFFICE OF THE GOVERNOR

To

Governor Beauchamp:

Please announce the reception at the Mansion on Tuesday, January twenty-second at eight-thirty p.m., to which all mem-

bers of the Senate and House and Legislative employees are invited.

Dress—optional."

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced, viz:

By Senator Hays.

S. Res. No. 5. A JOINT RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

Said resolution is as follows, viz:

WHEREAS, the general welfare of Eastern Kentucky is dependent upon the full scale operation of the coal industry in that section of the State, and

WHEREAS, all the people of the State of Kentucky benefit from the economic well-being of any of its sections, and

WHEREAS, the coal industry in the Big Sandy Valley of Eastern Kentucky is at a distinct disadvantage in competing with coal producing regions of some other states, which are able to ship their coal to market by river as well as other means of transportation, and

WHEREAS, widespread unemployment has developed in the Big Sandy Valley due to this situation, and

WHEREAS, the building of a series of locks and dams on the Big Sandy River would provide a new means of transportation for coal from that area, thereby putting the valley in an equal competitive situation with that of other areas, and

WHEREAS, the U. S. Corps of Engineers has recommended the canalization of the Big Sandy River as being a project worthy of construction by the Federal Government:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby requested to appropriate funds

to begin the construction of locks and dams on the Big Sandy River, so as to provide a stage of water which will make possible year-round transportation on that river. The Congress is requested to make such funds available immediately to the U. S. Corps of Engineers, so that construction of locks and dams can begin during the year 1953.

By Senator Ford.

S. Res. No. 6. A RESOLUTION memorializing the death of John Albert Whitaker.

Said resolution is as follows, viz:

THE SENATE OF THE COMMONWEALTH OF KENTUCKY:

RECOGNIZING that death has claimed a gifted and faithful son of this Commonwealth in the taking of John Albert Whitaker on the 15th day of December, 1951, the fiftieth year of his life, and the 161st year of this Commonwealth;

RECALLING his many services to his county, state and nation;

KNOWING him as a friend of the people, zealous in the protection of their ancient liberties;

REMEMBERING the honor and dignity with which he represented the Second Congressional District in the United States Congress;

WITNESSING the courage and forbearance with which he bore alike the trials of private and public life; and

BELIEVING his life will inspire his fellow citizens,

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky:

That the life of John Albert Whitaker be here commemorated by this recognition of his virtues, and

That the death of John Albert Whitaker be memorialized as a profound loss to the Commonwealth of Kentucky.

That a copy of this Resolution be spread at large on the Journal of this House, and that the Clerk of the House transmit a copy of this Resolution to the widow.

By Senator Shaikun.

S. B. No. 37. AN ACT relating to time.

Said bill is as follows, viz:

Whereas, the Commonwealth of Kentucky is now located in two Standard Time Zones with resulting confusion in business affairs and other matters; and

Whereas, during certain periods of the year various localities adopt Daylight Saving Time resulting in the compounding of the usual confusion; and

Whereas, it would be beneficial to each and every individual in this Commonwealth for the whole of the Commonwealth to have the same standard of time.

Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The standard of time which shall prevail in the whole of this Commonwealth shall be Standard Eastern Time.

Section 2. Section 2.150 of the Kentucky Revised Statutes is repealed.

By Senator Thomas.

S. B. No. 38. AN ACT relating to mechanics' and materialmen's liens.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 376.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who performs labor or furnishes materials for the erection, altering or repairing of a house or other struc-

ture or for any fixture or machinery therein, for the excavation of cellars, cisterns, vaults, wells or for the improvement in any manner of real property including the furnishing of agricultural lime, fertilizer, concrete pipe or drainage tile, crushed rock, gravel for roads or driveways, and materials used in the construction or maintenance of fences, by contract with, or by the written consent of, the owner, contractor, subcontractor, architect or authorized agent, shall have a lien thereon, and upon the land upon which the improvements were made or on any interest the owner has therein, to secure the amount thereof with cost. The lien on the land or improvements shall be superior to any mortgage or encumbrance created subsequent to the beginning of the labor or the furnishing of the materials, and the lien, if asserted as hereinafter provided, shall relate back and take effect from the time of the commencement of the labor or the furnishing of the materials. The lien shall not be for a greater amount in the aggregate than the contract price of the original contractor, and should the aggregate amount of the liens exceed the price agreed upon between the original contractor and the owner there shall be a pro rata distribution of the original contract price among the lien-holders.

(2) The lien shall not take precedence over a mortgage or other contract lien or bona fide conveyance for value without notice, duly recorded or lodged for record according, to law, unless the person claiming the prior lien shall, before the recording of the mortgage or other contract lien or conveyance, file in the office of the clerk of the county court of the county wherein he has furnished or expects to furnish labor or materials, a statement showing that he has furnished or expects to furnish labor or materials, and the amount in full thereof. The lien shall not, as against the holder of a mortgage or other contract lien or conveyance, exceed the amount of the lien claimed or expected to be claimed as set forth in the statement. The statement shall in other respects, be in the form prescribed by KRS 376.080.

(3) No person who has not contracted directly with the owner or his agent shall acquire a lien under this section unless he notifies in writing the owner of the property to be held liable or his authorized agent, within seventy-five days after the last

item of material or labor is furnished, of his intention to hold the property liable and the amount for which he will claim a lien. It shall be sufficient to prove that the notice was mailed to the last known address of the owner of the property upon which the lien is claimed, or to his duly authorized agent within the county in which the property to be held liable is located.

By Senator Hays.

S. B. No. 39. AN ACT relating to public library service and making an appropriation therefor.

Said bill is as follows, viz:

WHEREAS less than one-half of the total population of Kentucky has access to local public library facilities; and

WHEREAS only twenty per cent of the residents of rural areas have public library service; and

WHEREEAS aid from the state is essential for the provision of adequate local public library service throughout the state;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. For promoting, aiding and equalizing public library service in Kentucky, particularly in rural areas, there is hereby appropriated out of the General Expenditure Fund of the State Treasury, to the Library Extension Division of the Department of Library and Archives, the sum of $50,000 for the fiscal year 1952-53, and $60,000 for the fiscal year 1953-54, which fund shall be known as the Public Library Service Fund.

2. Any funds appropriated for the promotion, aiding and equalizing of public library service shall be administered by the Library Extension Division of the Department of Library and Archives, which body shall frame by-laws, rules and regulations for the allocation and administration of said funds. The funds so appropriated shall be expended for aiding in the establishment, extension and development of local public library facilities (exclusive of library buildings, equipment and furniture) through the purchase of books or bookmobiles, through technical assis-

tance, educational and promotional programs, and such other methods and services as will best accomplish the purpose.

3. To the extent of funds available, grants shall be made to counties applying for state aid, in the order in which they meet the requirements established by the Library Extension Division. Grants-in-aid thus provided shall not exceed $5,000 to any county. Each county receiving a state grant shall expend from local funds, for county-wide public library service during the years for which aid is received a sum equal to at least 5% of the amount received from state funds; the ratio of matching to be based on local financial ability as determined by the assessed valuation of the county.

4. The fund appropriated under this act shall be separate and apart from the appropriation to the general fund of the Library Extension Division, which fund shall not be affected by this Act or appropriation hereunder.

5. It is the intention of this Act to add to the public library service given by local communities and not to relieve such communities of their responsibilities.

By Senator Robinson.

S. B. No. 40. AN ACT changing the classification of the City of Jeffersontown, in Jefferson County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Jeffersontown, in Jefferson County, is such as to justify its being assigned to the fifth class of cities;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Jeffersontown, in Jefferson County, is changed from the sixth class to the fifth class of cities.

By Senator Robinson.

S. B. No. 41. AN ACT relating to the creation and estab-

lishment of public road districts in counties containing cities of the first class and in cities of the sixth class located in counties containing cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 184.010 of the Kentucky Revised Statutes is amended to read as follows:

Public road districts may be established in counties containing cities of the first class for the purpose of providing the general public and persons residing upon or owning property adjacent to such roads with all-weather roads, appropriate drainage of said roads and sidewalks on either or both sides of said roads, with reasonable maintenance during the existence of the road district.

Section 2. Section 184.020 of the Kentucky Revised Statutes is amended to read as follows:

A public road district may be established in the following manner:

(a) Any person or group of persons owning property abutting upon any public road (which is neither a county road nor a state road) in cities of the sixth class located in counties containing cities of the first class and in counties outside of and containing cities of the first class, may sponsor the creation of such a road district. The sponsors shall first prepare or have prepared for them a map of that section of such public road which they desire to have improved. Such map shall show the boundary lines and terminal points of the road desired to be improved and shall set forth on such map the names of the owners of all property and the number of linear feet owned by them abutting upon such road the location and size of drainage ditches and sidewalks. The sponsors of said road district shall also have estimated for them by an engineer, who must be a private engineer licensed by the Commonwealth of Kentucky, pursuant to Chapter 93 of the Acts of the General Assembly for the year 1928, the approximate cost of constructing the improve-

ments desired and reasonable maintenance for the duration of the road district, together with a statement of the approximate cost which shall be borne by each owner of property abutting on the road, determined by the number of linear feet of property owned by each abutting property holder. Said sponsors of said road district shall also prepare a petition and shall attach to said petition the aforesaid maps and statements of cost.

Section 3. Section 184.070 of the Kentucky Revised Statutes is amended to read as follows:

The board of directors, which is hereby declared to be the governing body of the road district, shall keep a record of its proceedings, shall adopt and have a seal, and shall exercise all powers and manage and control all the affairs and property of the district. Said board of directors shall elect one of its members chairman, one secretary and one treasurer. The board may employ an attorney and an engineer, who shall serve in such capacities during the pleasure of the board and for such reasonable compensation as may be fixed by the board and approved by order of the county court. Each member of the board may receive a salary of not in excess of two hundred dollars per annum for his services, which salary shall be fixed at the first meeting of said board, and approved of by order of the county court, and thereafter may be decreased as the duties of the members decrease. The board may adopt such rules and regulations as are necessary for its proper functioning. The chairman, secretary and treasurer of the district shall perform such duties as are usually performed by such officers. The county court by method similar to that for approving settlements of fiduciaries shall approve the accounts and acts of all directors upon death, resignation or at expiration of their term of office, which county court approval shall relieve the surety upon the bond of such director, the cost of which shall be a charge against the district. When the affairs of the district have been completed, the directors and officers shall by verified petition ask the county court for a dissolution of the district, which petition shall include an accounting of all monies received and disbursed by the district and shall be referred to a county court commissioner as in fiduciary settlements and when approved by the county court shall

release said officers, directors and their sureties, the cost of which shall be a charge against the district.

Section 4. Section 184.120 of the Kentucky Revised Statutes is amended to read as follows:

When a bid has been accepted and the cost of constructing the road improvement has thus been determined, the board of directors shall prepare a statement of all costs of constructing the project (including the cost of organizing the district, preliminary expenses, fees of directors, engineer and attorney, and a sum sufficient to provide for any unforeseen contingencies up to and including the completion of the project, together with a fund adequate to provide for continuing costs of the district which may include reasonable maintenance of the roads, drainage, ditches and sidewalks for a period of ten years) and shall thereupon determine the front-foot cost of constructing the road improvement. The board of directors shall then assess against each owner of the property abutting upon the road improved within the limits of the improvement that proportion of the cost of constructing the entire improvement which his front footage abutting upon the road bears to the total front footage of all properties abutting upon the road within the area to be improved. In determining the total front footage, intersections shall be included.

By Senator Robinson.

S. B. No. 42. AN ACT concerning clinical psychologist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 319.060 of the Kentucky Revised Statutes is amended to read as following:

(1) Any person who has been a practitioner of clinical psychology in this state for a period of ten (10) years next prior to July 1, 1948 and who meets the requirements of items (a), (b) and (c) of KRS 319.050 shall, upon application to the board and the payment of a fee of twenty-five (25) dollars, be entitled to certification as a clinical psychologist, and the board shall

issue to such applicant a certificate of certification on the standard form used by the board, signed by the chairman and members of the board and attested by its seal.

(2) No certificate shall be issued under the provision of this section after July 1, 1952 except in the case of applications filed with the board prior to said date.

(3) The board may grant a certificate without examination to any person who, at the time of application, is licensed or certified by a similar board of another state whose are, in the opinion of the board, not lower than those required by KRS 319.050. A fee of twenty-five (25) dollars shall be paid for each such certificate.

By Senator Duffy.

S. B. No. 43. AN ACT to amend KRS 74.020 to authorize an increase in the salaries of water district commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 74.020, subsection (4), is hereby repealed, amended and re-enacted so that when re-enacted it shall read as follows:

(4) Each commissioner shall receive an annual salary of not less than $200.00 nor more than $500.00, to be fixed by the county court and paid out of the water district fund. In fixing the salary of the commissioners, the court shall take into consideration the financial condition of the district and its ability to meet its obligations as they mature.

By Senator McCann.

S. B. No. 44. AN ACT relating to the awarding of contracts by the State Division of Purchases and Public Property.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In determining the lowest and best bidder to whom a contract is to be awarded for furnishing materials, supplies or equip-

ment purchases by the State Division of Purchases and Public Property, the division shall take into consideration whether the bidder is a resident corporation, partnership or individual of the commonwealth of Kentucky. The bid of a resident corporation, partnership or individual of this commonwealth shall be adjudged the lowest and best bid if it is not five per cent or more higher than the bid of a non-resident corporation, partnership or individual.

By Senator Hines.

S. B. No. 45. AN ACT relating to the time of holding the regular terms of court for the eighth circuit court district, composed of Allen and Warren Counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 23.050, the introductory phrase thereof and subsection (8) of the Kentucky Revised Statutes is amended to read as follows:

TERMS OF COURT. The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed.

* * * * *

(8) EIGHTH DISTRICT. Allen County, at Scottsville, on the fourth Monday of January, on the fourth Monday of April and on the fourth Monday in September; eighteen juridical days each.

Warren County, at Bowling Green, on the first Monday in January, eighteen juridical days; on the third Monday in February, thirty-six juridical days; on the first Monday in April; eighteen juridical days; on the third Monday in May, thirty-six juridical days; on the first Monday in September, eighteen juridical days; on the third Monday in October, thirty-six juridical days.

Ordered that said resolutions and bills be printed and referred.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, of the Committee on Enrollment, to which same had been previously referred, reported that said committee had examined and found to be correctly enrolled resolutions of the following titles, viz:

H. Res. No. 1. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

H. Res. No. 2. A JOINT RESOLUTION appropriating additional compensation for officers and employees of the House and Senate, and declaring an emergency.

H. Res. No. 3. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest," and declaring an emergency.

Thereupon, all other business was suspended, said resolutions were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said resolutions to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

REFERRAL OF SENATE BILLS AND RESOLUTIONS

Senator Moloney, Chairman of the Committee on Committees announced the following bills and a resolution have been referred:

S. B. No. 2, 3, 28, 31, 35 to the Committee on Appropriations.

S. B. No. 5, 9, 16 to Committee on Constitutional Amendments.

S. B. No. 10 to the Committee on Courts and Legal Procedure.

S. B. No. 30 to the Committee on Education.

S. B. No. 29, 33 to the Committee on Election and Redistricting.

S. B. No. 34 to the Committee on Insurance.

S. B. No. 11, 21, to the Committee on Judiciary and Judicial Council.

S. Res. No. 4, and Senate Bills No. 6, 8, 12, 15, 19, 20, 32, to the Committee on Kentucky Statutes No. 1.

S. B. No. 1, 4, 7, 14, 17, 22, 26 to the Committee on Kentucky Statutes No. 2.

S. B. No. 25, 27 to the Committee on Motor Vehicles, Commerce and Common Carriers.

S. B. No. 24 to the Committee on Municipalities.

S. B. No. 13 to the Committee on Public Health.

S. B. No. 36 to the Committee on Revenue and Taxation.

S. B. No. 23 to the Committee on Veterans' Legislation and Military Affairs.

Senator Moloney moved that the Senate do now adjourn until 8 P.M., Monday, January 21, 1952.

Said motion was agreed to.

And then the Senate adjourned.

MONDAY, JANUARY 21, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by Monsignor Joseph A. O'Dwyer of the Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Earl F. Martin	Ed P. Warriner
Julian Golden	Strother Melton	John M. Williams
James P. Hanratty	Richard P. Moloney	E. V. Withers
Doug Hays	O. W. Montgomery	
Thomas Hines	Jack R. Reynolds	—36

The following Senators were absent—

Thos. Hines	Otis C. Thomas	—2

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings of Thursday, January 17, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Ford.

S. B. No. 46. AN ACT relating to police and firemen's pension funds in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 95.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) in cities of the second class, the pensions or benefits paid from pension funds on retirement shall be as follows:

(a) Any member of the police or fire department having served twenty years or longer and the last five years thereof consecutively, may petition the board of trustees of the pension fund for retirement, and upon it being established that he is reasonably entitled to retirement the board shall order paid to him monthly fifty per cent of his monthly salary at the time of retirement.

(b) Any member having served fifteen years and the last five years thereof consecutively, and who has become so disabled as to render him unfit for service in the department, may on proof of his disability, petition the board of trustees for retirement, and upon a showing that he is reasonably entitled to retirement the board shall order paid to him monthly fifty per cent of his monthly salary at the time of retirement.

(c) The benefits provided for in this subsection shall accrue to any member who, within the twelve months immediately preceding March 10, 1938, was forced to retire from service in the police or fire department by reason of disability.

(d) Any member having served five years or longer who is not eligible for a pension under any other provision of his section and who has incurred any disability, not caused or induced by the actual performance of his duties or by his own negligence, which prevents him from performing his duties and impairs his earning capacity, may petition the board of trustees for a pension, and on a showing that he is reasonably entitled to retirement, the board shall order paid to him a monthly pension. In no event shall the monthly benefit paid under the provisions of this subsection exceed three per cent of the member's monthly salary at the time of his retirement, multiplied by the number of full years he was in active service, or fifty per cent of his monthly salary at the time of his retirement.

By Senator Ford.

S. B. No. 47. AN ACT concerning compensation of county commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 67.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each county commissioner serving on a fiscal court may be paid out of the county treasury the following compensation for his services:

(a) In counties containing a city of the first or second class, a salary of four thousand dollars per annum, payable monthly.

(b) In counties containing a city of the third or fourth class, a salary of not more than one thousand, eight hundred dollars per annum, payable monthly.

(c) In other counties, the same compensation per day as justices of the peace receive under subsections (2) and (3) of this section.

(2) Notwithstanding any provision of KRS 64.530, county commissioners in counties containing a city of the first or second class who are in office upon the effective date of this Act and who were elected at the election at which the amendment to Section 246 of the Constitution of Kentucky was adopted may be paid the compensation authorized by subsection (1) of this section but not retroactively.

Section 2. WHEREAS, in some counties containing cities of the first and second class the compensation of county commissioners is substantially below what is required to cope with the problem of an increased cost of living and

WHEREAS, it is deemed necessary to authorize an increase in the compensation of such county commissioners now in office.

An emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Senator Duffy.

S. B. No. 48. AN ACT imposing a penalty for removing or altering numbers on farm tractors or other units of farm

equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who cuts off, defaces, or in any manner removes or alters any number placed by the manufacturer, *for identification purposes,* on the motor, chassis *or frame of a motor vehicle, or of a farm tractor or other unit of farm equipment or machinery,* shall be imprisoned in the penitentiary for not less than one year nor more than five years.

(2) The ownership, possession or control of a *motor vehicle, or of a farm tractor or other unit of farm equipment or machinery,* on which any motor, chassis, *frame or other* number has been altered, defaced or removed, shall be prima facie evidence that the altering, defacing or removing was done by the person owning, possessing or having control of the *motor vehicle or farm tractor or other unit of farm equipment or machinery.*

By Senator Robinson.

S. B. No. 49. AN ACT relating to exemption of property from execution, attachment, garnishment, distress or fee bill.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 427.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following property of a person with a family, resident in this state is exempt from execution, attachment, distress or fee-bill:

(a) All household furnishings sufficient for family use; all family wearing apparel; all family portraits and pictures; all books of education, religion, reference and of general or specific

information; one radio or equivalent communication receiving instrument of value of not more than $50.00, sewing machine, washing machine and such refrigeration machinery and equipment in use at the time of the claiming of exemptions.

(b) Such farm implements, farm machinery, livestock, with sufficient provender for one year for all livestock on hand, poultry, tools, horse and wagon or equivalent, such as an automobile or truck, as are essential to carry on the occupation, trade, business, provided however, such horse and wagon, automobile or truck must be an essential implement in occupation, business, or labor engaged in by the claimant at the time of the claiming of exemptions or at the time of execution, attachment, garnishment, distrain, fee-bill or levy thereof; provided however, such farm implements, farm machinery, livestock, poultry, tools, horse and wagon or equivalent automobile or truck selected and claimed under this section shall not exceed twelve hundred and fifty dollars in value as a whole so selected.

(2) Of the salary, wages, or income of every such person, when earned by labor or services of any kind, the following amounts and percentages thereof shall be exempt from execution, attachment, garnishment, distress warrant, or fee-bill or levy:

1. When the debtor is paid by the week and the earnings at the time of the levy of the attachment, execution, garnishment, distress, warrant, or fee-bill do not exceed twenty-five dollars the entire amount earned shall be exempt; when however, the earnings at such time exceed twenty-five dollars, the twenty-five dollars and fifty percent of the excess earned above that sum shall be exempt, not exceeding a total of thirty-five dollars for any one week.

2. When the debtor is paid bi-weekly or semi-monthly, and the earnings at the time of the levy of the execution, attachment, garnishment, distress warrant or fee-bill do not exceed fifty dollars, the entire amount earned shall be exempt; when, however, the earnings at such time exceed fifty dollars, then fifty dollars and fifty percent of the excess earned above that sum, shall be exempt, not exceeding a total of seventy dollars for any bi-weekly or semi-monthly period.

3. When the debtor is paid by the month, and the earnings at the time of the service of the execution, attachment, garnishment, distress warrant or fee-bill do not exceed one hundred dollars, the entire amount shall be exempt, however, when the earnings at such time, exceed one hundred dollars, then one hundred dollars and fifty percent of the excess earned above that amount, shall be exempt, not exceeding a total of one hundred thirty dollars for any one month.

(a) The lien created by the issuance and levy of an execution, attachment, garnishment, distress or fee-bill shall only apply to that portion of the earnings which is in excess of the sums hereinabove declared exempt.

(b) As used herein:

1. "Week" means the day of the service or levy and not exceeding six consecutive days next preceding;

2. "Bi-weekly" and "semi-monthly" means the day of the levy and not exceeding fourteen days next preceding;

3. "Month" means day of levy and not exceeding twenty-nine days next preceding;

4. "Person with a family" means a person with one or more dependents wholly dependent upon such person for care and support;

5. "Dependents" means any natural or foster child under the age of twenty-one years and includes parents or spouse who are actually living with said person and dependent upon him.

(3) The specific amounts of salary, wages or income exempt from execution, attachment, garnishment, distress warrant or fee-bill under the provisions of subsection (2) shall also be exempt when earned by a person who does not have a family, or by a person with a family and who has a working and earning spouse living with him, however, the percentage exemptions for salary, wages or income in excess of the specific amounts set out in subsection (2) shall not be applicable to such persons.

(4) The libraries of all ministers of the gospel, the professional libraries and office equipment of attorneys, and the

professional libraries, office equipment and instruments of physicians, surgeons, dentists, and other recognized and licensed professions not exceeding one thousand dollars in total value are exempt from execution, attachment, distress for rent, or fee-bill. Ministers, attorneys, physicians and surgeons shall be entitled to the exemption of one motor vehicle, provided such motor vehicle is used in connection with and in the furtherance of the practice of their profession. Members of the General Assembly of the Commonwealth of Kentucky, during their term of office, shall be classified as professional persons and shall be entitled to the exemptions set forth in this section during such term.

Section 2. Section 427.020 of the Kentucky Revised Statutes is amended to read as follows:

If the officer making the levy believes that the property selected as exempt under the provisions of paragraph (b) of subsection (1) and under subsection (4) of KRS 427.010 is in excess of the value allowed therein, or if the plaintiff in the writ levied by the officer demands, the officer shall have the selected property appraised by two disinterested housekeepers of the county, one to be chosen by the officer and the other by the defendant, and in case of disagreement, the two shall choose a third. The appraisers shall be sworn by the officer to perform the duties of appraisers as required by law in the appraisement of real estate, to be sold under execution. When it appears by the appraisement that the value of the property selected under the provisions of paragraph (b) of subsection (1) and under subsection (4) of KRS 427.010 exceeds the value allowed therein, the defendant shall have a reasonable opportunity to modify his selection, and upon his refusal or failure to do so, the officer shall set apart as exempt property to the value allowed, and shall sell the excess in accordance with the instructions of the process under which the levy was made.

Section 3. Section 427.030 of the Kentucky Revised Statutes is repealed.

Section 4. The provisions of this Act shall apply only in actions brought upon contracts entered into after the effective

date of this Act, and no provision hereof shall be construed to make it retroactive in effect.

By Senator Moloney.

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (Definitions) As used in this Act:

(a) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care, for more than twenty-four hours, of two or more non-related individuals suffering from illness, disease, injury, or deformity, or a place devoted primarily to providing, for more than twenty-four hours, obstetrical or other medical or nursing care for two or more non-related individuals. The term "Hospital" includes nursing and convalescent homes and all institutions for the care of the sick.

(b) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association and the legal successor thereof.

(c) "Governmental unit" means the state, or any county or municipality, or a department, division, board or agency of any of the foregoing.

(d) "Licensing agency" means the State Board of Health.

Section 2. (Purpose) The purpose of this Act is to provide for the development, establishment and enforcement of minimum standards for the construction, maintenance and operation of hospitals as defined herein.

Section 3. (Application for License) An application for a license to establish, conduct, manage or operate a hospital shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably

required, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be lawfully prescribed hereunder. Each application shall be accompanied by a license fee of ten dollars.

Section 4. (Issuance and Renewal of License) Upon receipt of an application for license accompanied by the license fee, the licensing agency shall issue a license, if the applicant and the hospital facilities meet the requirements established under this act. Any hospital which is in operation at the time this act becomes effective shall be licensed upon application even though it does not comply with the standards at that time. However, failure to comply with the required standards within two years thereafter shall result in the institution of an action for revocation or suspension of the license. Each license, unless sooner suspended or revoked, shall expire on June 30 following its issuance, and be renewable annually for a fee of five dollars upon filing by the licensee and approval of the licensing agency, of an annual report upon such uniform dates and containing such information in such form as the licensing agency may reasonably require. All fees collected shall be deposited in the state treasury for the use of the licensing agency in carrying out the purposes of this act. Hospitals operated by governmental units shall be exempt from the payment of fees and licensure but shall comply with all other requirements of this act. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferrable or assignable without the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

Section 5. (Denial, Suspension or Revocation of License; Hearings and Review) The licensing agency, after notice to the applicant or licensee and after a hearing as herein provided, is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this act. Notices of hearing shall be issued in the name of the licensing agency by the secretary thereof and shall state the time and place of the hearing, which shall not be less than thirty days from service of the no-

tice, and shall also contain a concise statement of the reason for the hearing and sufficient information to reasonably apprise the applicant or licensee of the substance of the facts claimed to constitute a violation of this act. Service of such notices may be effected in the manner prescribed by law for the service of civil process, or may be effected by any member or employee of the licensing agency personally delivering same to the applicant or licensee, or by the licensing agency forwarding same to the applicant or licensee, by United States registered mail postage prepaid at the address of the applicant or licensee as reflected by the records of the licensing agency. The hearing may be conducted by the licensing agency in person or by a hearing officer or a hearing committee appointed by the licensing agency; all members of the licensing agency, and all persons appointed by the licensing agency as hearing officer or as members of a hearing committee are authorized to administer oaths, issue subpoenas for the attendance of witnesses and for the production of books, papers and documents, and to cite for contempt, before the circuit or quarterly court in the county in which the hearing is held, disobedience of its process or contumacious or disrespectful conduct. The applicant or licensee proceeded against shall be known as "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the licensing agency so permits, by deposition. All decisions revoking, suspending or denying licenses or applications shall be made by the licensing agency and shall be recorded in the minutes of the licensing agency, which may review any and all orders and rulings made by a hearing officer or hearing committee, and which shall consider the entire transcript of the record of hearing that shall be prepared and furnished to the licensing agency in the event the hearing is conducted by a hearing officer or hearing committee. The secretary of the licensing agency shall notify, by registered United States mail postage prepaid, the applicant or licensee of the decision of the licensing agency, which decision shall become final and conclusive thirty days after notice thereof is given as above provided, unless the applicant or licensee, within said thirty day period, appeals to the court therefrom pursuant to section 9 of this act. The procedure governing hearings authorized by this section shall be in accordance with rules

promulgated by the licensing agency with the advice and approval of the hospital council.

Section 6. (Minimum Standards)

(1) (Submission of plans for New Construction or Alterations) Before construction is begun involving an expenditure of more than fifteen thousand dollars for the construction of new buildings or additions or alterations to existing buildings or any change in facilities, for a hospital, the licensee shall submit plans to the licensing agency for approval. No system of water supply, plumbing, sewage, garbage or refuse disposal for a hospital shall be installed nor any such existing system be materially altered or extended until complete plans and specifications for the installation, alteration or extension, together with such information as may be required, have been submitted and approved by the Department of Health in accordance with the sanitary codes in existing Kentucky statutes. Hospitals shall comply with all local zoning regulations. They shall be so located as to be reasonably free from noises, smoke, foul odors or other disturbing or injurious nuisances.

(2) (Location and Communication.) Hospitals shall be served by a good road which is kept passable at all times of the year. There must be one or more telephones or other communication systems as may be needed in order to summon help promptly in case of fire or other emergencies.

(3) (Physical Plant)

(a) (Construction) The construction of the building shall be such as to provide for the safety and protection of the patients and personnel. The building shall be kept in good repair as related to the comfort and safety of its occupants. The building shall comply with the rules, regulations, and standards of safety in accordance with existing Kentucky statutes governing fire and safety precautions. The building shall be so constructed and screened as to prevent the entrance of rats, flies, mosquitos and other rodents and insects capable of transmitting disease. The walls, floors, and ceilings shall be of such a character to permit frequent washing, cleaning or painting and the maintenance

of sanitary conditions. The building shall comply with all existing local building codes.

(b) (Heating) The hospital shall be provided with a heating system, capable of maintaining a minimum temperature of 68° F. at all times in the patient areas.

(c) (Lighting) Each patient's room shall have sufficient lighting for reading and all other uses as needed. All entrances, hallways, stairways, inclines, ramps, cellars, attics, storerooms, kitchens, laundries, and service units must have sufficient lighting to prevent accidents and to promote efficiency of service. Emergency lighting facilities must be provided and distributed so as to be readily available to personnel on duty. Flashlights or battery operated lamps shall be in readiness at all times for use in the delivery and operating rooms. At no time may open flame type of lights be used in these rooms.

(d) (Ventilation.) The building shall be adequately ventilated at all times. Special attention shall be given to the ventilation of patients' quarters so as to supply fresh air and to prevent accumulation of objectionable odors. Toilets without outside window ventilation may not be used unless there is an adequate system of forced ventilation.

(e) (Elevators and Stairways) If elevators are provided they shall be maintained, checked and kept in good condition at all times. Stairways shall be provided with such handrails as may be desirable. Stairways should be of a width and design which will easily accommodate removal of a patient by stretcher and should be enclosed with a vertical cut-off at each floor level.

(4) (Sanitation.)

(a) (Housekeeping) There shall be adequate hand-washing facilities throughout the institution. There shall be an adequate number of utility rooms for the cleaning of bed pans and general sanitation purposes. The institutions shall be maintained in a clean, orderly and sanitary manner. Accumulated waste material must be removed daily. There must frequent cleaning of floors, walls, woodwork and windows. The premises must be kept free from rodent and insect infestation. Bath and toilet

facilities must be maintained in a clean and sanitary condition at all times.

(b) (Water supply) The water supply must be approved by the State Department of Health. There shall be an ample supply of hot water available at all times for general use.

(c) (Sewage Disposal) Sewers shall be discharged into a municipal sewerage system where such a system is available; otherwise, the sewage shall be collected, treated and disposed of in an independent sewerage system which complies with the standards approved by the sanitary codes of the State Department of Health and city regulations.

(d) (Plumbing) All plumbing, plumbing fixtures, sterilizers and other similar equipment shall be so constructed, installed and maintained as to prevent cross connections or other sanitary hazards, as required by the standards approved by the sanitary codes of the State Department of Health and applicable city regulations. A sanitary bath, toilet and lavatory must be provided on each floor where patients are cared for.

(e) (Garbage Disposal) The garbage disposal system must be approved by the Department of Health. Adequate provision shall be made to prevent obvious odors, the spread of disease and insanitary conditions resulting from the improper handling of garbage and other refuse.

(f) (Laundry) The hospital shall make provision for the proper cleaning of linen and other washable goods with special provision for handling contaminated linen. Hospitals maintaining and operating laundries shall provides ventilation for the elimination of steam and odors and proper insulation to prevent the transmission of noises to patient areas.

(5) (Food Handling) The hospital shall comply with the existing laws, rules and regulations governing the handling of food and food products in the State of Kentucky. The facilities shall be adequate to serve as many patients as the hospital accommodates.

(6) (Accommodations for Patients) The hospital shall provide suitable accommodations for all its patients. There shall

be adequate floor space, furnishings, bed linens, and such other utensils, equipment and supplies as is reasonably required for the proper care of the patients accommodated. Proper precaution shall be taken to prevent the spread of disease. There shall be provision for the proper sterilization of all supplies, utensils and equipment and for storing them in a clean, convenient and orderly manner. An adequate system for bed patients to use in calling nurses and attendants shall be maintained.

(7) (Special Facilities and Equipment)

(a) (Operating and Delivery Rooms) If there are operating and delivery rooms, they shall be provided with adequate equipment to meet the requirements of the hospital both in quality and in quantity.

(b) (Drugs) If drugs are used, an adequate supply and other medicinal agents shall be available at all times to meet the requirements of the hospital. They shall be stored in a safe manner and kept properly labeled and accessible. Narcotics and other dangerous or poisonous drugs shall be handled in a safe manner to protect against their unauthorized use. There shall be adequate refrigeration for biologicals and drugs which require refrigeration. The existing laws, rules and regulations governing drugs and poisons shall be complied with.

(c) (X-Ray Facilities) If X-ray facilities are provided in any hospital, there shall be ample space for the X-ray equipment, film storage, view boxes and dark room equipment. Proper precautions to protect patients and hospital personnel against undue radiation shall be taken.

(d) (Laboratories) If a laboratory is provided, there shall be ample space, equipment and supplies to meet the requirements of the hospital.

(e) (Morgue) If unembalmed bodies are held for more than twenty-four hours, a proper well ventilated morgue with refrigerated compartments shall be provided.

(8) (Practice of the Healing Arts Not Affected) Nothing in this act, or in the rules and regulations adopted pursuant thereto, shall be construed as applying to the practice of:

(i) Medicine

(ii) Osteopathy

(iii) Chiropractic

(iv) Healing by prayer in accordance with the creed or tenets of any well recognized church or religious denomination.

(v) Any other practice or system of the healing arts which is recognized or permitted by the laws of the state of Kentucky.

(b) Nothing in this act, or in the rules and regulations adopted pursuant thereto, shall be construed in any way to have the effect of denying a license to any hospital by reason of the type or system of practice of any of the healing arts, which are so recognized or permitted.

(9) (Records and Reports) Adequate and complete records shall be written for all patients admitted to the hospital. These records shall be filed in an orderly and accessible manner in the hospital. All orders for patients shall be written in ink or indelible pencil. Such orders shall be preserved on the patient's chart or in the established record of such orders.

(10) (Patient Care) Every reasonable effort shall be made to provide the best possible comfort and safety for the patients. Accepted principles of hospital operation shall be followed in the public interest. The reporting of all births, deaths, reportable diseases and other vital statistics required under existing laws, rules and regulations shall be complied with.

(11) (Communicable Diseases) All of the existing laws, rules and regulations of the State Department of Health shall be complied with as related to the control of the spread of communicable diseases. If patients are accepted with communicable diseases, suitable isolation and quarantine facilities shall be provided. Every effort shall be made to prevent the spread of disease in the hospital and to prevent the spread of disease from patients in the hospital to persons outside the hospital. Every reasonable safeguard shall be provided for the maintaining and protection of the health of the personnel of the hospital.

(12) (Employee Health Examinations) All hospital em-

ployees shall be required to have such examinations and tests as may be necessary to determine their freedom from communicable diseases which might endanger the health of the patients or other employees. The examinations shall be repeated at such intervals as may be required by the licensing agency with the advice and approval of the Hospital Council. The provisions of this section shall not apply to employees in nursing homes conducted solely for those who seek healing in accordance with the religious tenets of an established church.

Section 7. (Hospital Council) (1) The Governor shall appoint a Hospital Council consisting of ten members as herein provided:

(a) Five physicians who are duly licensed and who are in active practice, one of whom shall be the State Health Commissioner by virtue of his office who shall serve as Chairman of the Hospital Council. The appointments shall be made from a list of three nominees for each vacancy submitted by the Kentucky State Medical Association.

(b) Five Hospital Administrators who are actively engaged in the field of hospital administration. The appointments shall be made from a list of three nominees for each vacancy submitted by the Kentucky State Hospital Association.

(2) All members shall serve for a term of three years except that the original appointments shall be made so that the terms of three members are for one year, three for two years, and four for three years. Members whose terms expire shall hold office until the appointment of their successors. In the event of a vacancy occurring before the expiration of a member's term, the appointment shall be for the unexpired term.

(3) The Council shall meet at least once each year and shall meet additionally upon the call of the chairman or at the request of any four members. Members of the Hospital Council shall serve without compensation but shall be reimbursed for necessary travel and subsistence expense incurred in performance of their duties.

(4) The function of the Hospital Council shall be to approve all rules and regulations established by the licensing

agency, to act in an advisory capacity to the licensing agency with respect to hospitals and the administration and enforcement of this act, and to make available to the licensing agency information, data and material in its possession together with its views, suggestions and recommendations, on various matters from time to time.

Section 8. (Functions of the Licensing Agency) Subject to approval by the Hospital Council, the licensing agency is empowered to established standards and requirements not in conflict with the provisions of this act which it deems necessary to properly protect the public, and to promulgate rules and regulations for the administration and enforcement of this act and the standards and requirements established as aforesaid. The licensing agency is empowered to employ such clerks, inspectors and other personnel as it considers necessary to properly administer and enforce this Act. The licensing agency shall, through its authorized agent or agents, have full and free access to the required records, grounds, and buildings of every institution licensed or who has applied for license under this act.

Section 9. (Judicial Review) Any applicant or licensee, or any department of the state government acting by the Attorney General, or any county acting by its fiscal court, aggrieved by a decision of the Licensing Agency made in accordance with section 5 of this act may, within thirty days after the mailing of notice of the decision, as provided in Section 5, prosecute an appeal therefrom to the Jefferson County Circuit Court by filing with the Clerk of said court a complete transcript of record of the hearing and executing a bond to cover all costs that may be assessed against the appellant and by causing to be served upon the secretary of the licensing agency a notice of appeal. All such appeals to be assigned to the Chancery Branch of the Jefferson County Circuit Court and considered by a chancellor thereof who shall review the record of hearing and render a decision based on said record. Any party aggrieved by the decision of the Jefferson County Circuit Court may appeal to the Court of Appeals of Kentucky in the manner and within the time now provided for the appeal of cases to it under the Declaratory Judgment Act.

Section 10. No person shall operate or conduct a hospital without having a license under this act. Hospitals operated by governmental units shall be exempt from the payments of fees and licensure, but shall comply with all other provisions of this act. Hospitals operated by the Federal Government on land under the jurisdiction of the Federal Government are excepted.

Section 11. (Penalties.) The establishing, conducting, managing, or operating of any hospital without a license required under this law shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars for the first offense and by a fine of not less than five hundred dollars nor more than one thousand dollars for each subsequent offense. Each day of violation of any of the provisions of this act shall be considered a separate offense.

Section 12. (Injunction) Notwithstanding the existence or pursuit of any other remedy (civil or criminal), the licensing agency may maintain in its own name an action to restrain or enjoin any violation of this act.

Section 13. (Appropriation) There is hereby appropriated to the State Board of Health, out of the general expenditure fund in the state treasury, the sum of twenty thousand dollars for each of the fiscal years 1952-53 and 1953-54, which appropriation shall be in addition to any other appropriations made to the State Board of Health or the Department of Health.

Section 14. (Effective Date) This Act shall become effective on July 1, 1952.

By Senator Hays.

S. B. No. 51. AN ACT relating to the abandonment of railroad passenger service.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 276.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the application of any carrier by railroad, and

after such notice to the public and such hearing as the Kentucky Railroad Commission may by order prescribe, the Railroad Commission of Kentucky shall have the power to authorize common carriers by railroad to discontinue passenger service by railroad on any line of railroad or branch thereof in this State, whenever, in the opinion of the said Railroad Commission said passenger service by railroad has been and is being carried on at a loss, and there is no reasonable probability that such condition will in the future, change for the better, and especially is said Commission authorized to suspend such passenger service if the railroad on the division where said passenger train is being operated is not earning from other transportation service, a net income above maintenance and operating costs, plus a fair return on the value of the property devoted to the transportation service on said division sufficient to recoupe it from the loss that it has or is being, or will sustain in the future by reason of operating the passenger train sought to be discontinued. In reaching its decision, the Railroad Commission shall keep in mind that it is the declared public policy of Kentucky that all common carriers operating in the Commonwealth shall furnish to the public its every necessary transportation service at the lowest possible cost, the service being economically administered and without any particular transportation service being required to be furnished to the public when the cost of its operation casts an unreasonable burden upon other transportation services which public necessity requires; and that no transportation service shall be required of any common carrier when the public fails to utilize such service to such an extent to disclose that such service is a public necessity. No common carrier by railroad shall discontinue its passenger train or substitute a mixed train for a passenger train until said Railroad Commission shall have authorized the discontinuance or substitution in accordance with this section. Provided, however, this clause shall not apply to seasonal passenger trains.

(2) Any railroad company that has established and maintained throughout the year for five consecutive years, a passenger station at any point on its line shall not abandon the station without the written consent of the Railroad Commission.

By Senator McCann.

S. B. No. 52. AN ACT relating to the employment of persons by educational institutions receiving public funds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall be employed in an instructional or non-instructional capacity by any public educational institution supported or supported in part by the funds of the Commonwealth of Kentucky, or no such person now employed shall be re-employed, unless he shall swear and subscribe to before a notary public the following oath:

"I solemnly swear that I will support the Constitution and laws of the United States and of the Commonwealth of Kentucky. I do further solemnly swear that I am not a member of the Communist Party or affiliated with such party, nor do I believe in, nor am I a member of, nor do I support any organization that believes in or teaches the overthrow of the government of the United States by force or by any illegal or unconstitutional methods."

Section 2. The oath shall be taken when any contract of employment is entered into or renewed and shall be sworn to in duplicate, one copy of which shall be filed in the office of the institution employing the person and the other of which shall be filed with the Department of Education.

By Senator Wagner.

S. B. No. 53. AN ACT relating to the obtaining of credit for merchants.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any merchant in this state, before extending credit to any person applying for same, may require such person to sign, in presence of two witnesses, a credit statement containing such information as is reasonably required to determine the credit rating of the person.

Section 2. Any person who makes a false statement in any credit statement executed under Section 1 of this Act shall be deemed guilty of obtaining property under false pretenses, and shall be confined in the county jail for not more than six months or fined not more than five hundred dollars, or both.

By Senator Wagner.

S. B. No. 54. AN ACT relating to implied warranties concerning the soundness or condition or suitability for use of certain articles of food or drink, and the service of process in action based upon such warranties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No owner, operator or keeper of a retail store or food or meat market shall be held to have impliedly warranted the soundness or condition or suitability for use of any article of food or drink for a man or domestic animal which is sold by said owner, operator or keeper in the original container, can box, bottle or other type of container in which it was received by said retailer from a manufacturer, processor, or wholesaler and which original container is of such sort and so sealed, stoppered, fastened or inclosed as to make it impracticable to be opened for examination of the contents thereof by the retailer. None of the provisions of KRS 361.150 shall be construed to create an implied warranty in any such case, it being the intention of the General Assembly that KRS 361.150 shall not apply in any such case.

Section 2. Any broker or manufacturer's representative handling articles of food or drink shall be held to have impliedly warranted the soundness or condition or suitability for use of any article of food or drink for a man or domestic animal which is sold or distributed by said broker or manufacturer's representative in the original container, can, box, bottle or other type of container in which it was delivered from the manufacturer or processor and which original container is of such sort and so sealed, stoppered, fastened or inclosed as to make it impracticable to be opened by the retailer for examination of the con-

tents. The manufacturer or processor of such articles shall likewise be held to have impliedly warranted the soundness or condition or suitability for use of any such articles. In any action based upon such an implied warranty, against a manufacturer or processor, service of process may be made upon any broker or manufacturer's representative who represents such "manufacturer or processor in this state, and if such manufacturer or processor does not have such representative or agent within this state for the purpose of the service of process, such process may be made upon the Secretary of State in the same manner as is now provided for the service of process in other civil actions under the provisions of the Civil Code of Practice.

Section 3. Any manufacturer or processor selling merchandise or products in the Commonwealth of Kentucky shall designate a broker or agent or the Secretary of State of the Commonwealth as his process agent, and shall file such designation with the Secretary of State of the Commonwealth of Kentucky, and if he has no resident agent or broker in the Commonwealth of Kentucky and is required to designate a process agent, he shall pay with the filing of such designation to the Treasurer of the Commonwealth of Kentucky to the General Fund the same amount that is required by law for the designation of a corporate process agent.

Section 4. The venue of any actions arising under this Act shall be either in the county where the products or merchandise were purchased or in the county where the person aggrieved resides."

By Senator Wagner.

S. B. No. 55. AN ACT relating to trade practices, amending Subsection (1) of Section 365.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 365.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 365.040, no person engaged in business within this state shall sell, offer for sale or advertise for sale any article or product, or service or output of a service trade, at less than the cost thereof to such vendor, or give, offer to give or advertise the intent to give away any article or product, or service or output of a service trade, for the purpose of injuring competitors and destroying competition. Evidence of advertisement, an offer to sell, or sale of any article or product, or service or output of a service trade, at less than cost (as defined in this section) shall be prima facie evidence of intent to injure competitors and to destroy competition.

Ordered that said bills be printed and referred.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., January 22, 1952.

Said motion was agreed to.

And then the Senate adjourned.

TUESDAY, JANUARY 22, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by Monsignor Joseph A. O'Dwyer, of the Church of the Good Shepherd, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	James P. Hanratty	Earl F. Martin
Eugene H. Clark	Doug Hays	Richard P. Moloney
Augustus Cornett	Thomas Hines	O. W. Montgomery
Louis Cox	Stanley Hoffman	Jack R. Reynolds
Archie Craft	Dr. J. E. Johnson	Freeman Robinson
Ernest M. Ford	Alvin Kidwell	William J. Sample
Wayne Freeman	Homer E. Losey	Clay Shackleford
Julian Golden	James R. Mansfield	Leon Shaikun

Cortis K. Stacy	Wendell Van Hoose	John M. Williams
Paul Stapleton	Ed P. Warriner	E. V. Withers
Otis C. Thomas		—31

The following Senators were absent—

Bernard J. Bonn	James Lassiter	Strother Melton
Martin J. Duffy	C. W. A. McCann	Sylvester Wagner
Bert Kiser		—7

Senator Moloney moved that the reading of the Journal of the Senate of the proceedings of Monday, January 21, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF BILLS AND A RESOLUTION

A resolution and bills of the following titles were introduced:

By Senator Hays.

S. B. No. 56. AN ACT relating to alcoholic beverages, repealing sections 244.380 to 244.470, and subsection (2) of section 243.490, of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 244.380 to 244.470, and subsection (2) of section 243.490, of the Kentucky Revised Statutes, are repealed.

By Senator Shackelford.

S. B. No. 57. AN ACT relating to the practice of dentistry.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The following branches of dentistry are

hereby recognized as suitable fields for the licensing and certification of Dental Specialist, and are known as "Specialties."

(a) Oral Surgery.

(b) Orthodentia.

(c) Pedodontia.

(d) Peridontia.

(e) Prosthodentia.

(f) Oral Pathology.

(2) As used in sections 1 through of this Act, unless the context requires otherwise:

(a) "Board" means the Kentucky State Board of Dental Examiners.

Section 2. No licensed dentist shall hold himself out to the public as being especially qualified in any branch of dentistry by announcing through the press, sign, card, letterhead or printed matter, or any means of public advertising using such terms as "specialist," or inserting the name of the specialty, or using other phrases customarily used by qualified specialists that would imply to the public that he is so qualified, without first securing a specialist's license for same as provided in this Act.

Section 3. (1) Any dentist who is duly licensed and qualified to practice dentistry in this state on the date this Act becomes effective may obtain a license as a specialist in any of the branches of dentistry as set out in Section 1 of the Act by presenting to the board, within six months from the date this Act becomes effective, satisfactory evidence that, prior to the passage of this Act, he was holding himself out to the public as a specialist and was specializing in the branch of dentistry for which a specialty license is sought.

(2) Any dentist who obtains a license to practice dentistry in this state after the effective date of this Act, or who does not meet the qualifications of subsection (1) of this section and who desires to specialize in any of the branches of dentistry set out

in section 1 of this Act may obtain a license as such specialist by successfully passing such reasonable examination as the board deems proper.

(3) A license as a specialist may be issued without examination to a holder of a diploma from the National Certifying Board, if any, of the branch of dentistry for which a specialty license is sought provided the applicant has a license to practice dentistry in this state and is in good standing with his respective National Certifying Board.

Section 4. (1) To be entitled to take the examination provided for in subsection (2) of section 3 of this Act an applicant must:

(a) File with the secretary-treasurer of the board an application accompanied by an examination fee of forty dollars; and

(b) Present to the board satisfactory evidence that he has a period of study, after graduation from a dental school, of not less than two years in graduate or postgraduate courses, hospitals, clinics, dispensaries or preceptorships under the direction of a certified specialist, or in fundamental science laboratories recognized by the Council on Dental Education of the American Dental Association and by the board as competent to provide adequate training in the special field. This period of study may be pursued wholly in a school giving graduate or postgraduate courses and need not lead to an advanced degree. It may also be pursued wholly in hospitals, clinics, dispensaries, preceptorships, or fundamental science laboratories; or it may be pursued partially in schools or preceptorships and partially in other types of institutions. One full academic year of graduate or postgraduate study will be considered as equivalent to a calendar year. Teaching, or a Fellowship in the field of the specialty, may be considered in partial fulfillment of this requirement. The character of this period of study will be determined by the board.

(2) Examinations shall be clinical and written and of such character as to test in a satisfactory manner the qualifications of the applicant to specialize in the branch of dentistry for which license is sought. Examination papers and clinical examination results, where possible, shall be retained by the secretary-treasurer of the board for at least two years.

Section 5. (1) All applicants for a specialty license shall be required to pay a fee of five dollars to the secretary-treasurer of the board for every specialty license issued to him, and five dollars for every duplicate license issued to him by the board.

(2) Every specialty license issued by the board shall bear a serial number, the full name of the applicant, the date of issue, and the seal of the board. It shall be signed by a majority of the members and attested by the president.

Section 6. No provision in this act shall be construed as limiting or preventing a duly licensed and qualified dentist from performing, without a specialty license, dental acts or services to the public in any of the branches of dentistry set out in section 1 of this Act. Nor shall any provision in this act be construed as preventing a dentist holding a specialty license from engaging in the practice of dentistry in the other fields of dentistry.

Section 7. The board may suspend or revoke any specialty license upon any grounds set out in KRS 313.130, and the procedure for said suspension or revocation shall be the same as provided in KRS 313.150 to 313.180 for the revocation or suspension of a regular license to practice dentistry.

Section 8. All fees imposed and collected under the provisions of Sections 1 to 9 of this Act shall be disposed of in the same manner as is provided in KRS 131.350 for fees imposed and collected under the provisions of KRS 313.260 to 313.340.

Section 9. Any dentist who violates the provisions of Section 2 of this Act shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than sixty days, or both.

Section 10. Section 313.140 of the Kentucky Revised Statutes is amended to read as follows:

Unprofessional conduct means any of the following acts:

(1) Employing "cappers" or "steerers" to obtain business; or employing directly or indirectly and student or any suspended or unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth or jaws, or correct malpositioned formations thereof.

(2) Obtaining any fee by fraud or misrepresentation; wilfully betraying any professional secrets; habitual intemperance, gross immorality, or the commission of a criminal operation; advertising to use drugs, patents, nostrums, or proprietary medicines; or splitting fees.

(3) Making use of any advertising statements of a character tending to deceive or mislead the public; advertising professional superiority or the performance of professional service in a superior manner; advertising prices for professional service; advertising credit or terms of credit; advertising by means of electric sign, illuminated sign, sign that sets forth more than the name, profession, title (such as D.D.S. or D.M.D.) and office hours of the dentist, sign more than six inches in height, or display the lettering of which is more than six inches in height; advertising by means of a sign or display that contains or is a representation or reproduction of a tooth, bridgework or any portion of the human head; advertising free dental work or free examinations or advertising to guarantee any dental service or to perform any dental operation or act painlessly; or employing or making use of advertising solicitors or free publicity press agents.

(4) Unprofessional conduct does not include the use of professional cards that contain only a name, title (such as D.D.S. or D.M.D.), address, telephone number and office hours. It is unprofessional conduct for any dentist to announce or hold himself out to the public as being especially qualified in any branch of dentistry without having obtained a license as a specialist therein from the Board.

By Senator Losey.

S. B. No. 58. AN ACT relating to the selection and adoption of textbooks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) On or before July 1, 1954, the Superintendent of Public Instruction shall classify the elementary and secondary school subjects included in the state course of study as prescribed by the State Board of Education, under eight sub-

ject fields as follows: (1) English, (2) Mathematics, (3) Social Science, (4) Science and Health, (5) Vocational, (6) Commercial, (7) Fine Arts, and (8) Foreign Languages. A State Textbook Selecting Committee consisting of seven members shall be appointed for each adoption for each of the eight subject fields. The State Textbook Selecting Committee shall be appointed by the State Board of Education upon recommendation of the Superintendent of Public Instruction.

(2) On or before January 15 of each year, Textbook Selecting Committee shall be appointed according to the provisions of this Act, to select textbooks in those subject fields in which contracts for textbooks are to expire during the succeeding year.

Section 2. Members of the State Textbook Selecting Committees shall have had not less than five years teaching or supervising experience in the public schools of Kentucky and must have had at the time of their appointment at least four years of college training in a recognized institution of higher education. Four members of each committee shall be classroom teachers actively employed in public schools of Kentucky as teachers in the subject field for which that committee will select books. Two members shall be school administrators of recognized standing and ability. One member shall be a member of the faculty of a public institution of higher education engaged in teacher education. In selecting the committee or committees for each adoption the Superintendent of Public Instruction shall give due regard to representation from rural and urban area and to both elementary and secondary levels when both educational levels are included in the subject fields for which adoptions are to be made.

Section 3. (1) It shall be the duty of each Textbook Selecting Committee to take into account the need of the various types of school organizations and to select ten books or series of books for each subject in the committee's field, provided that as many suitable ones are submitted for their consideration. In the event that fewer than ten books or series of books are submitted, the committee shall recommend all that are considered by the Committee to be suitable.

(2) Not later than February 15 of each year, the Superin-

tendent of Public Instruction shall call these committees into session at the State Capitol, at which session they shall organize and proceed under rules and regulations formulated by the State Board of Education; provided that the final report of the selecting committees shall be presented to the Superintendent of Public Instruction not later than October 1 of the succeeding school year. Members of the Selecting Committees shall serve without remuneration except reimbursement for their actual expenses while attending committee meetings. The term of office of each committee shall be from date of appointment to date of final adoptions by the State Board of Education in the subject field for which said committee was appointed.

Section 4. (1) Within thirty days after the receipt of the recommended list of books the Superintendent of Public Instruction shall present this list to the State Board of Education at a regular or called meeting at the State Capitol. It shall be the duty of the State Board of Education to review the work of the Selecting Committees and to reject any book or series of books which in the judgment of the Board may be unsuitable for use in the schools of Kentucky or improperly made or excessive in cost. The Board shall submit in writing at the time of rejection the reasons for the rejection which reasons shall be made public. The Board shall then require the Selecting Committee to make substitute selections for any rejected books. The State Board of Education shall prepare a list of the books adopted and the Superintendent of Public Instruction shall publish same and send a copy to the Superintendent of each county and independent school district in Kentucky on or before December 1.

(2) The State Board of Education shall make and execute contracts for the selected books with the publishers within fifteen days of the approval of the books recommended by the Selecting Committees. Except for the adoptions in 1955 described hereafter in this Act, all contracts shall run for 4 years, except that in the subject of reading and children's literature for Grades 1, 2, and 3, after approval by the State Board of Education, two books for each subject and grade shall be adopted.

(3) The Board of Education of each county and independent school district shall upon recommendation of its superin-

tendent and not later than April 1 of any adoption year select from the list one book for each subject and grade to be used as a basal text in its school system for a period of four years, except that in the subjects of reading and children's literature for Grades 1, 2 and 3 two books for each subject and grade shall be adopted.

(4) After the local board of education has adopted the basal textbooks for use of the district and not later than April 15, the superintendent of school shall send the Superintendent of Public Instruction a complete list of books so adopted properly certified by the Chairman and Secretary of the Board of Education.

Section 5. (1) The schedule of adoptions shall be as follows:

Adoptions in the fields of English and Foreign Languages shall be made in 1955 and the period of adoption shall be for 4 years.

Adoptions in the fields of Social Science and Fine Arts shall be made in 1955 and the period of adoption shall be for 3 years.

Adoptions in the fields of Mathematics and Commercial shall be made in 1955 and the period of adoption shall be for 2 years.

Adoptions in the field of Science and Health and Vocational shall be made in 1955 and the period of adoption shall be for 1 year.

Provided, however, in 1955 not more than one-half of the textbooks in use may be changed, and provided further, that all state adopted textbooks in use at the time shall be included on the multiple list adopted by the State Board of Education, if same are submitted.

(2) Upon expiration of the periods of adoptions in each of the above fields, adoptions shall be made for a period of 4 years. Local changes shall be limited to one half of the number of books being considered for change in that year. Any book dropped from the multiple list may be continued for an additional adoption period of four years provided the price is not higher.

Section 6. (1) Any person desiring to offer textbooks for adoption and use in the public schools of Kentucky, shall before such textbooks may be lawfully adopted by the State Board of Education or purchased by any board of education, comply with the following conditions: Such person shall file with the Superintendent of Public Instruction:

(a) Copies of all textbooks which such person desires to offer for adoption and use, together with a sworn statement of the list price, the lowest net wholesale price and the lowest net exchange price at which each of such books is sold in any adopting unit.

(b) Copies of any revision or special edition of any such textbooks and a statement describing exactly and in detail each and every point of difference from the regular edition filed and the list price, the lowest wholesale price and the lowest net exchange price at which revisions or special edition is sold in the United States.

(c) A fee of five dollars ($5.00) for each book filed except where a series of books is filed, in which case he shall pay five dollars ($5.00) for the first book of the series and one dollar ($1.00) for each additional book of the series. The fee provided by this section shall be paid at each and every adoption or readoption period. The fees received under the provisions of this section shall be placed in the State Treasury to the credit of a revolving fund to be used to cover the cost of compiling and publishing lists of books, for necessary expenses of the State Textbook Selecting Committees and for other costs of administering the provisions of this act. If, and when, the balance of this fund, in the judgment of the State Board of Education, exceeds that which is necessary for the aforesaid purposes, the excess, upon the action of the State Board of Education, shall be transferred to the free textbook fund of the state.

(d) A bond, running to the Commonwealth of Kentucky with a responsible surety company authorized to do business in the Commonwealth of Kentucky as surety therein, in a sum to be determined by the State Board of Education, but not less than two thousand dollars ($2,000.00) nor more than ten thousand dollars ($10,000.00) conditioned as follows:

1. That such person will furnish any of the books listed in such statement for a period of the complete adoption to any school district in the State of Kentucky or to any dealer appointed by such district, at the lowest net wholesale price contained in said statement, f.o.b. the publisher's nearest shipping point.

2. That such person will automatically reduce such price in Kentucky whenever reductions are made anywhere in the United States, so that at no time shall any book so filed and listed as above provided be sold in Kentucky at a higher net wholesale price than is received for such book elsewhere in the United States.

3. That in case such person prepares an abridged or special edition of any book so listed by him and sells such special edition elsewhere at a lower net wholesale price than the net wholesale price set out in the above statement, such person shall file a copy of such special edition together with the price thereof, in a supplemental statement with the Superintendent of Public Instruction.

4. That all books sold in the Commonwealth of Kentucky shall be equal to and identical with the specimen books deposited in the office of the Superintendent of Public Instruction, as above provided, as regards size, paper, binding, print, illustrations, subject matter, and other particulars which may effect the value of textbooks.

5. That such person shall not enter into any agreement, understanding, or combination to control the price of textbooks or to restrict competition in their sale in the Commonwealth of Kentucky.

(2) The form of such sworn statement and such bond shall be approved by the Attorney General. Such bond shall be in force for the adoption period for which a book is offered. Such a person may at any time while such bond is in effect, file a supplemental statement covering additional books or special editions of books already filed, which supplemental statement shall expire at the date of expiration of the original statement and bond. Prior to the expiration of any statement and bond, such person may file a new statement and bond for a new adoption period,

but if he fails to do so, his right to offer textbooks for adoption and use in the public schools of Kentucky shall expire on the date of the expiration of the former bond.

Section 7. After July 1, 1955, no textbook shall be used in any public school in Kentucky as a basal textbook, unless it has been approved and adopted according to the provisions of this Act. But nothing in this Act shall apply to the supplementary books as may be needed from time to time.

Section 8. Each board of education in the Commonwealth may appoint a dealer, or dealers, to act as official retail agent, or agents, for the sale of books for use in such school district, or any school unit may purchase and distribute books, etc., to its own patrons instead of having an agent or dealer to handle the books. Publishers whose books have been adopted under the provisions of this Act, shall furnish such books either through such official retail agents, or through respective boards of education at the lowest net wholesale price and the lowest net exchange price listed with the Superintendent of Public Instruction, f.o.b. the publishers' nearest shipping point. Such official retail agent, or agents, shall give a reasonable bond, if required to respective publishers who have contacts to furnish adopted books. All orders given by such retail agent, or board of education, shall be promptly filled. Such official retail agent, or agents, shall sell such books at not more than fifteen (15) percent in excess of the net wholesale price. Where old books, displaced by new adoption, are offered by pupils in exchange for the corresponding new books, such new book shall be offered at a price not to exceed fifteen (15) percent of the net exchange price listed by the publisher. If any such agent violates the requirements of this Act, or fail to give reasonable bond requested by any publisher, the board of education that appointed such agent, by giving notice prior to May 1 in any year, may revoke the appointment of such agent on July 1 of that year. When an agent or dealer's permit is revoked or terminated by mutual agreement or otherwise, all textbooks as per inventory of the dealer or agent must be paid for at wholesale price by the company, firm, or individual from whom such textbooks were purchased, provided such textbooks are of the lawful adoption.

Section 9. It shall be the duty of the superintendent of schools in each district to notify the Superintendent of Public Instruction of any violation by the publisher of any of the conditions in the publisher's bond on file with the Superintendent of Public Instruction. If the Superintendent of Public Instruction finds that such violation has occurred, he shall instruct the Attorney General to bring suit hereon against the publisher. In case judgment is received, any sum paid on such bond shall be placed to the credit of the general school fund of the Commonwealth.

Section 10. When a pupil removes from any school district, the board of education of such district shall purchase from such pupil, if requested so to do, the textbook owned by the pupil and in actual use at the time by the pupil in such district. The price to be paid shall be based upon condition of the books, and the same may be sold by the board of education, or furnished to indigent children in such district.

Section 11. No superintendent, teacher, or other official, or employee of any institution supported wholly or in part by public funds shall act, either directly or indirectly, as agent for any person whose school textbooks are filed with the Superintendent of Public Instruction, as provided by law. Such sample textbooks as may be submitted to members of the State Board of Education for examination shall continue to be the property of the bidder if claimed within 30 days after adoption or shall be sold by the State Board of Education and the money covered into the state school fund.

Section 12. No person shall secure or attempt to secure the adoption of any school textbook or books in any school district in the Commonwealth by rewarding or promising to reward, directly or indirectly, any person in any public school in the Commonwealth. No person shall offer to give any emolument to any person in any school district for any vote or promise to vote, or the use of his influence, for any school textbook or books to be used in the Commonwealth.

Section 13. Any person violating any of the provisions of this Act shall, on conviction thereof, be punished by a fine not to

exceed five hundred dollar ($500.00) or by imprisonment not to exceed three months, or by both such fine and imprisonment.

Section 14. Section 156.260 to 150.380 inclusive, and subsection (2) of Section 156.990 of the Kentucky Revised Statutes are hereby repealed.

By Senator Warinner.

S. B. No. 59. AN ACT relating to appropriation for public roads, amending section 179.410 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 179.410 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Highways shall allocate the sum appropriated by the state for the construction, reconstruction, improvement and maintenance of county roads and bridges as follows:

(1) One-third of the sum appropriated shall be apportioned equally between the one hundred and twenty counties.

(2) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ration which the rural population of each county bears to the total rural population of the state. Rural population, as used herein, means the population outside cities and towns having a population of five thousand or more as shown by the most recent decennial census of the United States Bureau of the Census.

(3) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the state.

(4) The Department of Highways shall also expend out of the State Road Fund sums sufficient to build and keep in good repair streets, curbing, gutters and sidewalks in cities of the fifth and sixth class that are now classified or may hereafter be classi-

fied and used as state, inter county-seat or rural highway roads.

(5) The Department of Highways at the close of each quarter of the current fiscal year, or as soon thereafter as practicable, shall furnish to the fiscal courts of the several counties a statement showing the total amount of all disbursements under subsection (1), (2) and (3) of this Section, the unliquidated and unencumbered balances of the funds allocated to the respective counties for that fiscal year.

By Senator Warinner.

S. B. No. 60. AN ACT relating to highways, amending sections 177.044, 177.045, 177.060, 177.070 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 177.044 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever the Department of Highways shall hereafter construct or reconstruct any state road which passes through any city, it shall construct or reconstruct the street through the city in no lower type of construction than that used in the construction of the road at the point where it enters the city or at the point where it leaves the city. Whenever any city street is constructed, reconstructed or repaired under the provisions of KRS 177.041 to 177.047, the Department of Highways shall remove and relay without expense to the city or any other person any underground sanitary sewers, gas or water mains or other similar underground public utilities.

(2) If a street is constructed or reconstructed under the provisions of KRS 177.041 to 177.047, the plans and specifications for the construction or reconstruction of the street shall be submitted to the proper authorities of the city and shall be approved by the authorities of the city before the Department of Highways shall attempt the construction or reconstruction.

(3) The Department of Highways shall, in constructing or

reconstructing any street under the provisions of KRS 177.041 to 177.047, establish the necessary grade in conformity with the plans and specifications and by ordance as the agent of the city, and the Department of Highways shall be liable to property owners for the changing of the grade or establishing new grades, and for damages, if any, resulting to such property owners.

Section 2. Section 177.045 of the Kentucky Revised Statutes is amended to read as follows:

When the Commissioner of Highways has designated any street in any city as a part of the state primary road system, before any construction, reconstruction, maintenance or repair of the street shall be done by the Department of Highways, the city must convey to the Commonwealth of Kentucky all right of ways it owns upon which the street is located. If it is necessary to acquire new or additional right of ways, the city shall cause the right of ways to be deeded to the Commonwealth of Kentucky for the use and benefit of the Department of Highways paying the cost of such new or additional right of ways.

Section 3. Section 177.060 of the Kentucky Revised Statutes is amended to read as follows:

All cost of acquiring any necessary land or right of way for primary road purposes and all damages incurred shall be paid by the Commonwealth, unless it is a road owned by the county.

Section 4. Section 177.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2), the Department of Highways may agree with any landowner as to the value of a right of way and if the agreement is approved by the county attorney and county judge the fiscal court shall enter an order directing the payment of the amount agreed upon to the landowner, and the agreement shall be entered upon the county court's records, and upon receipt of the certificate of the county judge and county attorney in the Department of Highways showing the amounts agreed upon to the landowners, the Department of Finance shall draw its warrant upon the State Treasurer for payment of the amount certified.

(2) The Department of Highways may contract with the owners of private surfaced roads necessary to be incorporated in the primary road system. and agree upon the price to be paid, subject to the approval of the county judge and county attorney in each county where such roads are located. Upon receipt of the certificate of the county judge and county attorney showing the transfer and total cost, the Department of Finance shall draw its warrant upon the State Treasurer for payment of the amount certified. The state shall not pay for private roads owned by counties.

(3) Any landowner may donate a right of way across his land for any primary road, by executing a deed to the Department of Highways for the use and benefit of the state for such right of way.

By Senator Hays.

S. B. No. 61. AN ACT relating to the equipment of rail track motor cars used or furnished by common carriers by railroad for transportiing employes; providing for the extension of necessary time in which to equip said cars; and penalizing those carriers who operate or furnish for operation such unequipped cars to their employes for transportation to or from their place or places of labor.

Said bill is as follows, viz:

WHEREAS, it is dangerous to the health and unsafe to life, limb and property of railroad employes to ride in rail track motor cars in inclement or foggy weather in the daytime and during all hours of the night to and from their place or places where they are required to labor on any railroad running through Kentucky or within the Commonwealth of Kentucky when said cars are unequipped with a substantial top to protect its inmates from rain, hail, sleet or snow, and when said cars are unequipped with an efficient head and rear lights, also with windshield and windshield wiper;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. It is and shall be unlawful for any owner or operator of a railroad running through or within the boundaries of the Commonwealth of Kentucky and engaged in the business of a common carrier of both property and persons, or of either property or persons, for compensation, to operate for or furnish to their employes to transport one or more of them to or from the place or places where they are required to labor for said owner or operator when said car is not equipped with a substantial top that will protect the inmates thereof from rain, snow, sleet and hail, and with a transparent windshield sufficient in width and height to protect the inmates of the car from wind or water, which windshield shall be made of material that is properly designated as unbreakable glass, and also such car shall be equipped with a permanently installed electric head lamp with such candle power as to render visible at a distance of three hundred feet in advance of such car at night, or during inclement or foggy weather in daytime, any obstruction, land mark, warning sign, or grade crossing on such railroad and shall also be equipped with two electric red lights on the rear end thereof with sufficient candle power so as to be visible at a distance of three hundred feet in the rear of such car at night or during inclement or foggy weather in the daytime, and such car shall also be equipped with an electric windshield wiper that will efficiently remove rain, snow and sleet from the windshield on such car while such car is moving, and said windshield wiper shall be so devised that the driver of said car can start or stop said windshield wiper while he is driving the car.

Sec. 2. Any owner or operator of a railroad running through or within the Commonwealth of Kentucky as a common carrier of persons or property or both, for compensation, who either operates for its employes, or who furnishes to its employes for their transportation to or from the place or places where they are required to labor, a rail track motor car that has not been fully equipped as required by Section 1 of this Act, shall be fined not less than one hundred dollars, nor more than five hundred dollars for each offense, and each day or part of a day they operate or furnish each of such rail track motor cars not so equipped as provided in Section 1 of this Act, to their employes for operation to or from the place or places where they are required to

work shall constitute a separate offense; provided that any common carrier that has not been able to equip its rail track motor cars as required by the provisions of Section 1 of this Act, on or before the effective date thereof can, by applying to the Kentucky Railroad Commission, which is hereby authorized to, and upon good cause shown, grand by order, additional time to any owner or operator of a common carrier by railroad, in which to equip such cars, not to exceed one year from the effective date of this Act and, when such an order has been granted by said Kentucky Railroad Commission to such carrier, the provisions of this Act penalizing rail carriers who do not so equip their cars shall not be applicable to those carriers securing such an order for such additional time in which to so equip their cars during the period granted to them only by order of the Kentucky Railroad Commission.

By Senator Losey.

S. B. No. 62. AN ACT concerning agricultural seeds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky Seed Improvement Association, Inc., shall accept and approve all applications of resident seed growers and contract seed growers for certification of seed on any crop seed which has been recommended for certification by the Kentucky Agricultural Experiment Station and shall field inspect and approve any seed field and certify said seed if the seed grower or contract seed grower shall have met the following requirements:

(1) Made application for the certification of such seed to the Kentucky Seed Improvement Association on or before the date prescribed by the Association for the filing of applications for such certification;

(2) Paid to the Association the required membership dues and field inspection fees;

(3) Traced the origin of said seed to foundation stock or previously certified seed;

(4) Isolated the seed field in conformity with the recommendation of the Kentucky Agricultural Experiment Station; and

(5) That said seed conform with the purity and germination requirements of the Kentucky Seed Improvement Association.

By Senators Shackelford, Cox, Lassiter, Robinson, Hanratty, Martin, Shaikun, Cornett, Golden, Stapleton, Freeman, Duffy and Clark.

S. B. No. 63. AN ACT relating to rules of pleading, practice, and procedure, and the forms thereof in civil actions and with limited application, in criminal proceedings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Court of Appeals, by rules promulgated from time to time, shall regulate pleading, practice, procedure and the forms thereof in all civil proceedings in all courts of the state, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify the substantive rights of any litigant. The Court of Appeals shall promulgate the initial rules pursuant to this Act on January 1, 1953, and such rules shall become effective as of that date.

Section 2. Before the initial rules, or any amendments or supplemental rules, may be adopted under the provisions of this Act, copies of the proposed rule or rules shall be distributed to the Bench and Bar of the state for their consideration and suggestions, and the Court shall give due consideration to such suggestions as may be submitted to the court. Any suggestions concerning rules proposed by the Court of Appeals, and any suggestions that may be advanced by interested persons, from time to time, for amendments to existing rules or for new or supplemental rules, shall be submitted to the court through the Judicial Council. The council shall receive and consider all such suggestions and shall report the same to the court, with the recommendations of the council thereon. The court shall conduct a public hearing, to be held not later than three months from

the date of distribution of any proposed rule or rules, of which hearing suitable publicity shall be given in advance. At such hearing the Court shall consider any proposal submitted in writing, in advance, by the Kentucky State Bar Association, the Judicial Conference, or any substantial number of members of the Kentucky State Bar Association joining in the same suggestion. The initial rules and any amendment or supplemental rules shall be printed and mailed, at least thirty days before the effective date, to all members of the State Bar of Kentucky, and such rules may also be distributed at such times and to such other persons as the Court may direct.

Section 3. The Civil Code Committee, created by Chapter 151, Acts of 1950, shall continue as constituted until July 1, 1953. Thereafter, the Court of Appeals shall appoint an advisory committee composed of representative judges and attorneys. Such committees shall perform advisory duties in connection with the promulgation of the rules and amendments thereto as may be directed by the Court of Appeals, and the advisory committee shall be considered a part of the Judicial Council for budgetary purposes.

Section 4. No Act repealing or modifying any section of the Civil Code of procedure or any statute shall be construed by implication to limit the right of the court to promulgate rules from time to time or to supersede, modify or amend any rule so promulgated. Nor shall this Act be construed to limit in any manner the power of the Court of Appeals to make rules governing practice and procedure in the Court of Appeals.

Section 5. The rules of the Court of Appeals shall apply to criminal procedure in all situations where any provision of the Civil Code, superseded by the rules, has heretofore been made applicable to criminal procedure either by express reference or by interpretation.

Section 6. On and after July 1, 1953, all laws relating to pleading, practice and procedure shall be effective as rules of court until modified or superseded by subsequent court rule, and upon the adoption of any rule pursuant to this Act the rule shall take precedence over such laws.

Section 7. The printing and distribution of any rules pro-

posed or promulgated under this Act shall be provided for by the Civil Code Committee and the Statute Revision Commission jointly, and after the Civil Code Committee ceases to exist, by the Statute Revision Commission alone, with the advice and under the direction of the Court of Appeals. Any such printing shall be governed by KRS 447.090.

Section 8. Whereas, it is essential that the printing and distribution of proposed rules be made in sufficient time to enable thorough consideration by all interested persons before the rules are finally promulgated on January 1, 1953, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Senator McCann.

S. B. No. 64. AN ACT relating to the duties and liabilities of property owners with regard to the destruction of rats on their premises.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Every owner of property within the corporate limits of any city in this state shall employ every reasonable means to cause the destruction of any rats frequenting or upon or in such property. In the event the property owner fails so to do, the police department or health department of the city may cause the rats to be destroyed and the property owner shall be liable for all expenses incurred therein.

Section 2. Any property owner who fails to employ every reasonable means to cause the destruction of rats, in or upon property owned by him within the corporated limits of any city in this state shall be fined not less than twenty-five nor more than one hundred dollars.

By Senators Golden and Cornett.

S. B. No. 65. AN ACT relating to animals running at large.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No cattle shall be permitted to run at large on right of ways, or inclosed lands, when the fencing of such lands is open for the construction or reconstruction of any part of the primary system of state highways until the work is completed and accepted by the Department of Highways.

Section 2. (1) Any county, justice's district or precinct may, by an election held under Section 3, prohibit cattle or any species of cattle from running at large in the county, justice's district or precinct.

(2) No election shall be held under Section 3 in any precinct, justice's district, or county in which an election under that section has been held within the preceding four years.

Section 3. Upon the petition of twenty-five voters of any precinct, fifty voters of any justice's district or one hundred voters of any county, filed in the county court of that county, asking a submission of the question whether cattle or certain named species of cattle shall be permitted to run at large in the precinct, justice's district or county, the county court shall direct the sheriff and the officers of election in the precinct, justice's district or county, to open a poll at the next regular election held not less than sixty days after the filing of the petition, for the purpose of ascertaining the will of the voters upon the question whether or not they are in favor of prohibiting cattle or any species of cattle from running at large in the precinct, justice's district or county.

Section 4. Before any election is held under Section 3 the fiscal court of the county shall decide by a majority of its members whether the election shall be confined to voting precincts or justice's districts, or shall be to take the sense of the voters of the entire county. The decision of the court shall be entered on the records of the court, and shall not be changed for four years. No subsequent order of the court in respect to the territory to be embraced at any election shall annul or render void any election held under this section until after the expiration of four years from the date of the election, or render ineffectual any fiscal

court orders heretofore made or elections held under those orders, on the question of cattle running at large, until the expiration of four years after the election is held.

Section 5. No election shall be ordered under Section 3, unless the petitioners deposit with the county court, at the time the petition is filed, an amount sufficient, in the judgment of the court, to defray the expenses of the election.

Section 6. (1) The question shall not be submitted unless notice is published twenty days before the election in at least four issues of the newspaper published in the county, if there is one, having the largest bona fide circulation in the county. If there is no newspaper published in the county, notice shall be given by posting notices of the election on the courthouse door or the bulletin board for the courthouse, and in four public places in each precinct in which the election is to be held, at least twenty days before the election.

(2) The notices shall state whether it is proposed to prohibit the running at large of cattle generally or only certain named species of cattle.

Section 7. When an election is ordered under Section 3, the county clerk shall have printed on the ballots for each precinct in which a vote is to be taken the question: "Are you in favor of making it unlawful for cattle (or the species thereof designated in the petition) to run at large on the public highways and uninclosed lands of (the precinct, justice's district or county)?"

Section 8. The poll of elections held under Section 3 shall be compared and the result announced in the manner, at the time and by the persons authorized to compare the polls and declare the results in elections held for county offices. The result shall be spread upon the records of the county court at its next regular term held after the result is declared.

Section 9. (1) If a majority of those voting upon the question stated in Section 7 vote "No," paragraphs (a), (b) and (c) of subsection (2) shall not go into effect in the precinct, justice's district or county, as the case may be, where the vote is taken.

(2) If a majority of those voting vote "Yes," paragraphs (a), (b) and (c) of this section shall apply.

(a) No person, after thirty days following the election, shall permit any cattle or the species of cattle named in the petition, owned by him or under his control or in his custody, to run at large in the precinct, justice's district or county.

(b) If any damage is committed by cattle in the precinct, justice's district or county, the owner of the cattle shall be liable for all damages, whether the place where the damages occurred is inclosed by lawful fence or not. The person damaged shall have a lien on the cattle committing the damage for the amount of the damage and cost of suit.

(c) Any constable, sheriff or city marshal shall impound any cattle found running at large in the precinct, justice's district or county, and the owner or bailee of the cattle shall pay to the officer impounding, for each head impounded, one dollar and the cost of feeding and taking care of the cattle, but the cost of impounding any number of cattle at any one time shall not exceed three dollars and the cost of feeding. The officer shall have a lien on the cattle impounded for his fees and expenses, which he may enforce in the same manner in which mortgage liens are enforced.

Section 10. In any prosecution for a violation of subsection (2) (a) of Section 9, it shall not be necessary to allege that an election was held, or any other step relative to an election was undertaken, but the indictment, warrant or information may simply state that the act charged was committed in a territory where subsection (2) (a) of Section 9 was in force.

Section 11. Section 259.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates subsection (2) (a) of Section 9 shall be fined not less than five dollars nor more than twenty-five dollars.

(2) Any person who violates any of the provisions of KRS 259.110 to 259.140 shall be fined ten dollars.

(3) Any person who violates KRS 259.150 shall be fined fifty dollars.

(4) Any person who violates KRS 259.200 shall be fined not

less than ten dollars nor more than one hundred dollars, and each head of cattle trespassing shall constitute a separate offense.

Section 12. Section 259.210, of the Kentucky Revised Statutes is repealed.

By Senators Golden and Cornett.

S. B. No. 66. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The word "witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

The word "state" shall include any territory of the United States and District of Columbia.

The word "summons" shall include a subpoena, order or other notice requiring the appearance of a witness.

Section 2. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such a person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecu-

tion or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence (and of any other state through which the witness may be required to pass by ordinary course of travel), will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state.

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 3. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue

a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in this state he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 4. If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

Section 5. This act may be cited as "Uniform Act to secure the Attendance of Witnesses from within or Without a State in Criminal Proceedings."

By Senators Warinner, Losey, Clark, Thomas and Golden.

S. Res. No. 7. A RESOLUTION concerning the naming of

the body of water impounded by Wolf Creek Dam.

Said resolution is as follows, viz:

WHEREAS, historically and continuing, people living and doing business along and adjacent to the reservoir created in the Commonwealth of Kentucky by Wolf Creek Dam have been and are overwhelming in favor of naming that body of water "Lake Cumberland"; and

WHEREAS, it is universally recognized, as recently expressed by Colonel Henry Walsh, U. S. A. District Engineer at Nashville, that "The renaming of Wolf Creek Reservoir as 'Lake Cumberland' by the people of Kentucky is understandable and commendable . . . The Corps of Engineers feel that it is the prerogative of the people to name the lakes as they see fit;" and

WHEREAS, the construction of Wolf Creek Dam and the reservoir has been completed and the lake has been filled with water for some months; the area is being developed and patronized as a great recreation area, especially for fishing and other water sports; the Dam has been officially dedicated to public use, removing the last remaining objection to officially changing the name to "Lake Cumberland"; and

WHEREAS, the name "Lake Cumberland" has already become firmly entrenched in the minds of the people and is in common usage, and that the use of any other name in any quarter can only cause confusion and hinder the normal development of the section as a recreation area,

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, The House of Representatives Concurring Therein:

(1) That the Congress of the United States of America be requested to designate, as the official name of the body of water impounded by Wolf Creek Dam, "Lake Cumberland," and that the name of the Dam remain "Wolf Creek Dam"; and

(2) That all government agencies, both national and state, and all private agencies and other persons having occasion to refer to the impoundment, be requested to use the name "Lake Cumberland" and no other; and

(3) That the Clerk of the Senate is directed to forward copies of this resolution to the Clerks of the Senate and House of Representatives of the Congress, to all Kentucky members of the Congress, to the heads of all state and national governmental departments connected with the development and operation of the impoundment, and to the newspapers and radio stations in Kentucky and in the larger cities in states adjacent to Kentucky.

Ordered that said bills and resolution be printed and referred.

Senator Moloney of the Committee on Committees to which same had been previously referred, reported a resolution of the following title, viz:

S. Res. No. 6. A RESOLUTION memorializing the death of John Albert Whitaker.

Said resolution is as follows, viz:

THE SENATE OF THE COMMONWEALTH OF KENTUCKY:

RECOGNIZING that death has claimed a gifted and faithful son of this Commonwealth in the taking of John Albert Whitaker on the 15th day of December, 1951, the fiftieth year of his life, and the 161st year of this Commonwealth.

Recalling his many services to his county, state and nation;

Knowing him as a friend of the people, zealous in the protection of their ancient liberties;

Remembering the honor and dignity with which he represented the Second Congressional District in the United States Congress;

Witnessing the courage and forbearance with which he bore alike the trials of private and public life; and

BELIEVING his life will inspire his fellow citizens,

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky:

That the life of John Albert Whitaker be here commemorated by this recognition of his virtues, and

That the death of John Albert Whitaker be memorialized as a profound loss to the Commonwealth of Kentucky.

That a copy of this Resolution be spread at large on the Journal of this House, and that the Clerk of the House transmit a copy of this Resolution to the widow.

With the expression of opinion that said resolution should pass.

Senator Ford moved that said resolution be adopted.

Said motion was agreed to.

And thereupon said resolution was adopted.

REFERRAL OF SENATE BILLS AND A RESOLUTION

Senator Moloney, Chairman of the Committee on Committees, announced that the following bills and a resolution had been referred, viz:

S. B. No. 48. Agriculture and State Fair

S. B. No. 39. Appropriations

S. B. No. 40. Classification of Towns and Cities

S. B. No. 45. Judiciary and Judicial Council

S. B. Nos. 37, 38, 43, 44, 47, 49, 52, 53, 54, 55 and Senate Res. No. 5. Kentucky Statutes No. 1

S. B. Nos. 18, 46, 50. Kentucky Statutes No. 2

S. B. No. 51. Motor Vehicles Commerce and Common Carriers

S. B. No. 42. Public Health

S. B. No. 41. Rural Roads and Highways

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed a bill which originated in that body of the following title, viz:

H. B. No. 12. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies and other state supported activities, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART ONE

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1952 and ending June 30, 1953, and for the fiscal year beginning July 1, 1953, and ending June 30, 1954, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two, Three, and Four of this Budget Act, as follows:

I. GENERAL GOVERNMENT

1. LEGISLATIVE

A. *Legislative Sessions.*
1953-54 ---------- $400,000.00

B. *Legislative Research Commission.*
1952-53 ---------- $78,000.00
1953-54 ---------- $88,000.00

C. *Legislative Journals and Acts.* For preparing, indexing, editing and printing the Journals and Acts of the General Assembly. Any unexpended balance at the end of the first fiscal year of the biennium shall be carried over to the second year,
1952-53 ---------- $40,000.00

D. *The Council of State Governments.*
1952-53 ---------- $7,500.00
1953-54 ---------- $7,500.00

TOTAL—LEGISLATIVE
1952-53 ..... $125,500.00
1953-54 ..... $495,500.00

2. LIEUTENANT-GOVERNOR

A. *Lieutenant-Governor.*
1952-53 ..... $8,000.00
1953-54 ..... $8,000.00

3. JUDICIARY

A. *Court of Appeals.* For normal recurring operating costs of Court of Appeals, including salaries of judges and commissioners.
1952-53 ..... $207,000.00
1953-54 ..... $207,000.00

B. *Clerk of Court of Appeals.*
1952-53 ..... $30,000.00
1953-54 ..... $29,000.00

C. *Judicial Council.*
1952-53 ..... $15,000.00
1953-54 ..... $15,000.00

D. *Board of Bar Examiners.*
1952-53 ..... $3,000.00
1953-54 ..... $3,000.00

E. *Circuit Judges.* For salaries and expenses of Circuit judges.
1952-53 ..... $412,500.00
1953-54 ..... $412,500.00

TOTAL—JUDICIARY
1952-53 ..... $667,500.00
1953-54 ..... $666,500.00

4. COUNTY COSTS

A. *Clerks' Services, Criminal Prosecutions, Jury Commis-*

sioners, Trustees of Jury Funds (Circuit Clerks), and *Commissions on Fines and Forfeitures.* For expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds (Circuit Clerks) and Commissions on Fines and Forfeitures,

1952-53 ..... $2,329,000.00
1953-54 ..... $2,329,000.00

B. *Commonwealth's Attorneys.* For salaries of Commonwealth's Attorneys,

1952-53 ..... $21,000.00
1953-54 ..... $21,000.00

C. *Return of Fugitives from Justice.*

1952-53 ..... $10,000.00
1953-54 ..... $10,000.00

D. *County Highway Patrol.*

1952-53 ..... $135,000.00
1953-54 ..... $135,000.00

E. *Premiums on Sheriffs' Bonds.*

1952-53 ..... $25,000.00
1953-54 ..... $25,000.00

TOTAL—COUNTY COSTS

1952-53 ..... $2,520,000.00
1953-54 ..... $2,520,000.00

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5. EXECUTIVE DEPARTMENT

A. *Governor's Office.*

1952-53 ..... $51,250.00
1953-54 ..... $51,250.00

B. *Contingent Fund.*

1952-53 ..... $10,000.00
1953-54 ..... $10,000.00

C. *General Emergency Fund.* For meeting expenses deemed emergencies by the Governor, and to be expended by

the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund,

1952-53 ----------$500,000.00
1953-54 ----------$500,000.00

TOTAL—EXECUTIVE DEPARTMENT
1952-53 ----------$561,250.00
1953-54 ----------$561,250.00

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6. SECRETARY OF STATE

A. *Secretary of State.*
1952-53 ----------$52,500.00
1953-54 ----------$48,000.00

7. DEPARTMENT OF LAW

A. *Attorney General.*
1952-53 ----------$ 95,000.00
1953-54 ----------$100,000.00

8. STATUTE REVISION COMMISSION

A. *Statute Revision Commission.*
1952-53 ----------$31,000.00
1953-54 ----------$27,500.00

B. *Codification Board.*
1952-53 ----------$7,200.00
1953-54 ----------$7,200.00

C. *Constitution Review Commission.*
1952-53 ----------$2,500.00
1953-54 ----------$2,500.00

TOTAL—STATUTE REVISION COMMISSION
1952-53 ----------$40,700.00
1953-54 ----------$37,200.00

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9. DEPARTMENT OF TREASURY

A. *State Treasurer.*
1952-53 ----------$54,000.00
1953-54 ----------$55,500.00

10. AUDITOR OF PUBLIC ACCOUNTS

A. *Auditor of Public Accounts.* For expenses of auditing for the benefit of the State, including all State Agencies and County Officials receiving or disbursing public monies belonging to the State.

1952-53 ..... $50,000.00
1953-54 ..... $55,000.00

11. DEPARTMENT OF FINANCE

A. *Commissioner of Finance.* For expenses of the various divisions within the Department, including the administration of Confederate Pensions, and the administration of Public Printing.

1952-53 ..... $398,300.00
1953-54 ..... $417,500.00

B. *Public Properties.* For custodial care of public properties and expenses,

1952-53 ..... $260,000.00
1953-54 ..... $270,000.00

C. *Paper for Election Ballots and General Assembly.* For expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law. Any unexpended balance remaining at the end of the first year shall carry forward to the following year,

1952-53 ..... $27,500.00
1953-54 ..... $ 7,500.00

D. *Confederate Pensions.* For the payment of Confederate Pensions as provided by law,

1952-53 ..... $25,000.00
1953-54 ..... $25,000.00

TOTAL—DEPARTMENT OF FINANCE

1952-53 ..... $710,800.00
1953-54 ..... $720,000.00

12. DEPARTMENT OF REVENUE

A. *Commissioner of Revenue.* For expenses of the various divisions of the Department,

1952-53 ..... $1,028,500.00
1953-54 ..... $1,065,200.00

B. *Reappraisals.* For expenses of reappraisals as contemplated by KRS 132.670,

1952-53 ..... $150,000.00
1953-54 ..... $150,000.00

C. *County Tax Commissioners.*

1952-53 ..... $1,100,000.00
1953-54 ..... $1,125,000.00

D. *County Boards of Supervisors.*

1952-53 ..... $30,000.00
1953-54 ..... $30,000.00

TOTAL—DEPARTMENT OF REVENUE

1952-53 ..... $2,308,500.00
1953-54 ..... $2,370,200.00

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13. ELECTIONS

A. *Board of Election Commissioners.*

1952-53 ..... $1,700.00
1953-54 ..... $1,700.00

B. *Board of Registration and Purgation.*

1952-53 ..... $2,300.00
1953-54 ..... $2,300.00

C. *Elections.* For County Elections (State Share) and Presidential Electors,

1952-53 ..... $170,000.00
1953-54 ..... $170,000.00

TOTAL—ELECTIONS

1952-53 ..... $174,000.00
1953-54 ..... $174,000.00

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14. DEPARTMENT OF MILITARY AFFAIRS

A. *Adjutant General.* For expenses of operating the office of Adjutant General, Division of Armories and Kentucky National Guard.

1952-53 ..... $161,500.00
1953-54 ..... $161,500.00

B. *Armories—Rental.*

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

TOTAL—DEPARTMENT OF MILITARY AFFAIRS
1952-53 ..... $261,500.00
1953-54 ..... $261,500.00

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15. KENTUCKY DISABLED EX-SERVICEMEN'S BOARD

A. *Kentucky Disabled Ex-Service Men's Board.*

1952-53 ..... $95,000.00
1953-54 ..... $95,000.00

16. DEPARTMENT OF AERONAUTICS

A. *Department of Aeronautics.*

1952-53 ..... $125,000.00
1953-54 ..... $127,000.00

17. DEPARTMENT OF STATE POLICE

A. *Department of State Police.*

1952-53 ..... $280,300.00
1953-54 ..... $317,600.00

18. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *Agricultural and Industrial Development Board.* For expenses of the board,

1952-53 ..... $177,000.00
1953-54 ..... $175,000.00

B. *Water Survey.*

1952-53 ..... $103,400.00
1953-54 ..... $103,300.00

C. *Mineral Survey.*

1952-53 ----------$50,000.00
1953-54 ----------$50,000.00

TOTAL—AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

1952-53 ----------$330,400.00
1953-54 ----------$328,300.00

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19. DEPARTMENT OF LIBRARY AND ARCHIVES

A. *Law Librarian.*

1952-53 ----------$15,000.00
1953-54 ----------$15,000.00

B. *State Librarian.*

1952-53 ----------$5,100.00
1953-54 ----------$5,100.00

C. *Law Library Books.* For expenses as provided for under KRS 171.110,

1952-53 ----------$7,500.00
1953-54 ----------$7,500.00

D. *Library Sales Account.* For expenses of publishing opinions of the Court of Appeals,

1952-53 ----------$5,000.00
1953-54 ----------$5,000.00

E. *Distribution and Repair of Books.*

1952-53 ----------$1,000.00
1953-54 ----------$1,000.00

F. *Division of Library Extension.*

1952-53 ----------$35,400.00
1953-54 ----------$35,400.00

G. *Kentucky State Historical Society.*

1952-53 ----------$31,000.00
1953-54 ----------$31,000.00

TOTAL—DEPARTMENT OF LIBRARY AND ARCHIVES

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

20. DEPARTMENT OF BUSINESS REGULATION

A. *Division of Athletic Control.*

1952-53 ..... $4,000.00
1953-54 ..... $4,000.00

21. DEPARTMENT OF INSURANCE

A. *Department of Insurance.* For expenses of the various divisions of the Department,

1952-53 ..... $75,000.00
1953-54 ..... $75,000.00

22. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Department of Industrial Relations.* For expenses of operating Office of Commissioner and Division of Wages and Hours for Women and Minors.

1952-53 ..... $100,000.00
1953-54 ..... $118,000.00

23. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals.*

1952-53 ..... $264,000.00
1953-54 ..... $264,000.00

24. RAILROAD COMMISSION

A. *Railroad Commission.* For expenses of the Commission, including the Assistant Attorney General for the Railroad Commission.

1952-53 ..... $31,000.00
1953-54 ..... $31,000.00

25. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Department of Alcoholic Beverage Control.*

1952-53 ..... $236,000.00
1953-54 ..... $246,000.00

26. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Money Refunded.* For refunding money paid into the the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney-General and approved by the Commissioner of Finance,

1952-53 ----------$2,500.00
1953-54 ----------$2,500.00

B. *Bonds of Elective Officers.* For payment of premiums on bonds of elected State Officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1952-53 ----------$1,300.00
1953-54 ----------$1,300.00

C. *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney-General,

1952-53 ----------$35,000.00
1953-54 ----------$35,000.00

D. *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same,

1952-53 ----------$250.00
1953-54 ----------$250.00

E. *Franklin Circuit Court.* For purchase of supplies and equipment in accordance with KRS 28.165,

1952-53 ----------$300.00
1953-54 ----------$300.00

F. *Statutes and Codes for Courts.* For purchasing copies of the statutes of Kentucky and Kentucky Codes of Practice for the purposes contemplated in KRS 57.340,

1952-53 ----------$3,400.00
1953-54 ----------$1,400.00

G. *Kentucky Directory.*

1952-53 ----------$1,100.00

H. *Interstate Oil Compact.*
1952-53 ----------$1,000.00
1953-54 ----------$1,000.00

I. *Public Improvements.* For paying assessments for public works against property owned by the state as provided in KRS 94.297,
1952-53 ----------$7,000.00
1953-54 ----------$7,000.00

J. *Board of Claims Awards and Costs.* For the payment of awards or judgments made and costs taxed by the Board of Claims against departments, boards, commissions and other agencies maintained by appropriations out of the General Fund,
1952-53 ----------$20,000.00
1953-54 ----------$20,000.00

K. *Capital Planning and Zoning Commission.* For expenses of participation in the program of the Commission,
1952-53 ----------$2,500.00
1953-54 ----------$2,500.00

L. *Water Pollution Control Commission.* For payment of expenses of the Commission,
1952-53 ----------$21,700.00
1953-54 ----------$40,000.00

TOTAL—APPROPRIATIONS NOT OTHERWISE CLASSIFIED
1952-53 ----------$ 96,050.00
1953-54 ----------$111,250.00

TOTAL—I. GENERAL GOVERNMENT
1952-53 ----------$9,366,000.00
1953-54 ----------$9,889,800.00

II. WELFARE

27. DEPARTMENT OF WELFARE

A. *Office of Commissioner.* For expenses of administration

of the Office of the Commissioner, Division of Fiscal Control and Agricultural Production,

1952-53 ..... $152,800.00
1953-54 ..... $162,000.00

B. *Mental Health.* For expenses of the Division of Hospitals and Mental Hygiene, the Mental Hospitals (Eastern State Hospital, Central State Hospital, Western State Hospital and Kentucky State Hospital), and Conveyance of Patients,

1952-53 ..... $4,208,000.00
1953-54 ..... $4,508,000.00

C. *Corrections.* For expenses of the Division of Corrections, Division of Probation and Parole and Penal Institutions (Houses of Reform, State Reformatory, State Penitentiary and Women's Prison),

1952-53 ..... $2,141,200.00
1953-54 ..... $2,292,000.00

D. *Home for Incurables.*

1952-53 ..... $15,000.00
1953-54 ..... $15,000.00

E. *Pauper Idiots.*

1952-53 ..... $65,000.00
1953-54 ..... $65,000.00

F. *Kentucky Children's Home.*

1952-53 ..... $207,000.00
1953-54 ..... $227,000.00

G. *Kentucky Training Home.*

1952-53 ..... $511,000.00
1953-54 ..... $531,000.00

H. *Penal Institutions and Kentucky Training Home.* To be used for maintenance only,

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

I. *Mental Hospitals.* To be used for maintenance only,

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

TOTAL—DEPARTMENT OF WELFARE

1952-53 ..... $7,500,000.00
1953-54 ..... $8,000,000.00

28. DEPARTMENT OF ECONOMIC SECURITY

For ordinary expenses of operation and cooperation (Matching of funds) with the Federal Government under the Social Security Act of August 14, 1935, and any amendments now in effect or hereinafter enacted and under any act of congress supplementing said act as amended, including adjustments of prior year or current year accounts necessary to comply with the federal regulations. Also for the administration of Old Age Assistance, Aid to Dependent Children, and Aid to the Needy Blind, including cost to the State Treasurer for preparing, printing and issuing checks for recipients of Public Assistance Programs. Also, for administration, services and benefits of the Child Welfare Program.

A. *Public Assistance—Administration.* Notwithstanding the provisions of KRS 45.235 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230,

1952-53 ..... $900,000.00
1953-54 ..... $900,000.00

B. *Public Assistance—Benefits.* For Old Age Assistance Payments, Aid to the Needy Blind, and Aid to Dependent Children, and not to be used for costs of administration. Any unexpended balance at the end of the first fiscal year shall be carried over to the second and placed in a reserve fund which may be expended by the Commissioner of Economic Security for the purposes of this appropriation with the approval of the Governor,

1952-53 ..... $10,865,000.00
1953-54 ..... $10,865,000.00

C. *Child Welfare—Administration and Services.* Notwithstanding the provisions of KRS 45.236 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of

the biennium shall lapse in accordance with the provisions of KRS 45.230.

1952-53 ..... $275,000.00
1953-54 ..... $300,000.00

D. *Child Welfare—Benefits.* For boarding home care and other benefit expenses, and not to be used for costs of administration. Notwithstanding the provisions of KRS 45.236 and any other provisions of the Kentucky Revised Statutes, any unencumbered balance of this appropriation remaining at the end of the first fiscal year of the biennium shall lapse in accordance with the provisions of KRS 45.230.

1952-53 ..... $225,000.00
1953-54 ..... $250,000.00

E. *Division of Personnel Security.* For administering the Social Security Act,

1952-53 ..... $22,000.00
1953-54 ..... $22,500.00

TOTAL—DEPARTMENT OF ECONOMIC SECURITY

1952-53 ..... $12,287,000.00
1953-54 ..... $12,337,500.00

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29. DEPARTMENT OF HEALTH

A. *Department of Health.*

1952-53 ..... $640,000.00
1953-54 ..... $745,000.00

B. *County Health Units and Departments.*

1952-53 ..... $ 975,000.00
1953-54 ..... $1,150,000.00

C. *Narcotic Law Enforcement.*

1952-53 ..... $33,000.00
1953-54 ..... $33,000.00

D. *Colored Red Cross Hospital.*

1952-53 ..... $35,000.00
1953-54 ..... $35,000.00

E. *Kentucky Division of Women's Field Army of American Society for Control of Cancer.*

1952-53 ..... $50,000.00
1953-54 ..... $50,000.00

F. *Kentucky Crippled Children's Commission.*

1952-53 ..... $225,000.00
1953-54 ..... $225,000.00

G. *Medical Research Commission.*

1952-53 ..... $200,000.00
1953-54 ..... $225,000.00

H. *County Sanatoria.* For reimbursements to be made in accordance with KRS 215.320, but the total reimbursement for each Sanatorium shall not exceed the following appropriations:

1. Julius Marks Sanatorium

1952-53 ..... $58,000.00
1953-54 ..... $58,000.00

2. Covington-Kenton County Tuberculosis Sanatorium

1952-53 ..... $43,800.00
1953-54 ..... $43,800.00

3. Warren County Tuberculosis Sanatorium

1952-53 ..... $21,900.00
1953-54 ..... $21,900.00

4. Waverly Hills Tuberculosis Sanatorium

1952-53 ..... $200,000.00
1953-54 ..... $200,000.00

TOTAL—DEPARTMENT OF HEALTH

1952-53 ..... $2,481,700.00
1953-54 ..... $2,786,700.00

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30. TUBERCULOSIS SANATORIA COMMISSION

A. *Tuberculosis Sanatoria Commission.* For administrative and operating expenses of the Commission and institutions under its control and supervision,

1952-53 ..... $1,840,000.00
1953-54 ..... $1,882,000.00

TOTAL—II. WELFARE
1952-53 ----------$24,108,700.00
1953-54 ----------$25,006,200.00

III. EDUCATION

31. DEPARTMENT OF EDUCATION

A. *Superintendent of Public Instruction.* For expenses of the divisions within the Department, State Board of Education and State Textbook Commission.

1952-53 ----------$239,000.00
1953-54 ----------$239,000.00

B. *Public School Lunch Program.*

1952-53 ----------$42,500.00
1953-54 ----------$42,500.00

C. *Common School Per Capita Fund.* For the payment of monthly salaries of teachers and for no other purposes.

1952-53 ----------$26,212,500.00
1953-54 ----------$26,212,500.00

The State Board of Education shall not approve any working budget or salary schedule for a local board of education for the school year 1952-53 and 1953-54 in which the total amount budgeted for teachers' salaries in the school year 1951-52 is not increased by the minimum additional amount of per capita revenue apportioned to that district over that received in the school year 1951-52, except where there is a decrease in the combined local revenue and equalization funds of that district after the district has levied the maximum ad valorem tax rate permitted by law and, except where the total number of teaching positions in a district has been reduced as a result of mergers of districts or consolidations or discontinuance of schools which have been approved by the State Board of Education. Any such reduction permitted shall be only for the amount of the decrease in the combined local revenue and equalization and/or the total of the salaries of such teaching positions that have been eliminated from the school district. In no case shall any teacher's salary be less than the amount that teacher would have received had there been no consolidation or merger.

In the event any local board of education claims there is a decline in local revenue in that district, the State Board of Education shall certify such claim to the Department of Revenue whose duty it shall be to determine whether or not there is a decline in local revenue of such district and, if so, the amount of such decline in local revenue. The Department of Revenue shall then make its certification to the State Board of Education and said Board shall accept said certification as final.

The above amount includes $138,937.63 for each fiscal year which is interest on State School Bonds, as provided by the State Constitution for the support of common schools.

D. *Equalization Fund.* For equalization of educational services in the common schools to be expended as provided by law and regulations of the State Board of Education.

1952-53 ----------$5,573,000.00
1953-54 ----------$6,587,500.00

E. *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding $17,000 of this appropriation may be used each fiscal year for administration.

1952-53 ----------$900,000.00
1953-54 ----------$900,000.00

F. *Vocational Education—Administration.*

1952-53 ----------$55,000.00
1953-54 ----------$55,000.00

G. *Vocational Education—Instruction.* For reimbursement of teacher training and special instructors.

1952-53 ----------$55,000.00
1953-54 ----------$55,000.00

H. *Vocational Education—Local School Districts.*

1952-53 ----------$300,000.00
1953-54 ----------$300,000.00

I. *Vocational Rehabilitation.*

1952-53 ----------$92,000.00
1953-54 ----------$92,000.00

J. *West Kentucky Vocational Training School.*
1952-53 ----------$110,700.00
1953-54 ---------- $120,000.00

K. *Mayo State Vocational School.*
1952-53 ----------$135,000.00
1953-54 ----------$145,000.00

L. *Northern Kentucky Vocational Training School.*
1952-53 ----------$58,000.00
1953-54 ----------$63,000.00

M. *Lincoln Institute.*
1952-53 ----------$125,000.00
1953-54 ----------$125,000.00

N. *Kentucky School for the Blind.*
1952-53 ----------$160,000.00
1953-54 ----------$165,000.00

O. *Kentucky School for the Blind—Workshop for Adult Blind.*
1952-53 ----------$22,300.00
1953-54 ----------$22,300.00

P. *Kentucky School for the Deaf.*
1952-53 ----------$290,000.00
1953-54 ----------$298,000.00

Q. *Special Education for Handicapped Children.*
1952-53 ----------$35,000.00
1953-54 ----------$35,000.00

R. *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, namely, KRS 161.220 to 161.710,
1952-53 ----------$1,916,000.00
1953-54 ----------$2,084,000.00

S. *In Service Teacher Training.*
1952-53 ----------$31,500.00
1953-54 ----------$32,500.00

T. *Council on Higher Education.* For participation in the veterinary training program of the Board of Control for Southern Regional Education,

1952-53 ---------- $24,000.00
1953-54 ---------- $36,000.00

TOTAL—DEPARTMENT OF EDUCATION

1952-53 ---------- $36,376,500.00
1953-54 ---------- $37,609,300.00

32. UNIVERSITY OF KENTUCKY

A. *Colleges and Experiment Stations.* For expenses of the Division of Colleges, College of Agriculture, Summer School Session, Repairs to Buildings, Library Equipment, Scientific Laboratory Equipment, Engineering Equipment, University Research—Including Coal, Geological Survey, College of Pharmacy, Experiment Station, Service Laboratories, Nursery Inspection, Princeton Sub-Station, Quicksand Sub-Station, Horticulture, Dairy Cattle Improvement, and participation under the Hope-Flannigan Act (Experiment Station), and Strawberry Marketing and Labeling Act.

1952-53 ---------- $3,494,000.00
1953-54 ---------- $3,744,000.00

Of the appropriation made hereby for each year of the biennium, $375,600 is allocated to the Experiment Station, Service Laboratories, Nursery Inspection, Princeton Sub-Station, Quicksand Sub-Station, Horticulture, Dairy Cattle Improvement, and participation under the Hope-Flannigan Act (Experiment Station), and Strawberry Marketing and Labeling Act.

B. *Agricultural Extension.* For expenses of Agricultural Extension, and participation under the Hope-Flannigan Act (Agricultural Extension),

1952-53 ---------- $606,000.00
1953-54 ---------- $606,000.00

C. *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. and M. bonds as provided by KRS 164.520,

1952-53 ---------- $8,700.00
1953-54 ---------- $8,700.00

D. *Southern Regional Training Program.* For expenses of participating in this program,

1952-53 ----------$2,500.00
1953-54 ----------$2,500.00

TOTAL—UNIVERSITY OF KENTUCKY

1952-53 ----------$4,111,200.00
1953-54 ----------$4,361,200.00

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33. EASTERN STATE COLLEGE

A. *Eastern State College.*

1952-53 ----------$526,000.00
1953-54 ----------$548,000.00

34. MOREHEAD STATE COLLEGE

A. *Morehead State College.*

1952-53 ----------$432,000.00
1953-54 ----------$450,000.00

35. MURRAY STATE COLLEGE

A. *Murray State College.*

1952-53 ----------$556,000.00
1953-54 ----------$579,000.00

36. WESTERN STATE COLLEGE

A. *Western State College.*

1952-53 ----------$585,000.00
1953-54 ----------$609,000.00

37. KENTUCKY STATE COLLEGE

A. *Kentucky State College.*

1952-53 ----------$408,000.00
1953-54 ----------$425,000.00

B. *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. and M. bonds as provided by KRS 164.520,

1952-53 ----------$1,300.00
1953-54 ----------$1,300.00

TOTAL—KENTUCKY STATE COLLEGE
1952-53 ..... $409,300.00
1953-54 ..... $426,300.00

TOTAL—III. EDUCATION
1952-53 ..... $42,996,000.00
1953-54 ..... $44,582,800.00

IV. AGRICULTURE AND CONSERVATION

38. DEPARTMENT OF AGRICULTURE

A. *Commissioner of Agriculture.* For expenses of the divisions within the Department and the State Board of Agriculture,
1952-53 ..... $80,000.00
1953-54 ..... $81,000.00

B. *Marketing Services.*
1952-53 ..... $51,500.00
1953-54 ..... $53,000.00

C. *Surplus Commodities Distribution.*
1952-53 ..... $32,000.00
1953-54 ..... $32,000.00

D. *T. B. Testing and Indemnities, Bang's Disease and Calfhood Vaccination.*
1952-53 ..... $105,000.00
1953-54 ..... $105,000.00

E. *4-H Club and Future Farmer Work.* For paying premiums for 4-H and Future Farmer Work and for the formation and encouragement of 4-H and Future Farmer activities in Kentucky,
1952-53 ..... $15,000.00
1953-54 ..... $16,000.00

F. *Purebred Livestock.* For the promotion, development and improvement of the purebred livestock industry in Kentucky,
1952-53 ..... $25,000.00
1953-54 ..... $26,000.00

G. *Apiary Project.*

1952-53 ---------- $1,500.00
1953-54 ---------- $2,000.00

TOTAL—DEPARTMENT OF AGRICULTURE

1952-53 ---------- $310,000.00
1953-54 ---------- $315,000.00

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39. STATE FAIR BOARD

A. *Premiums for State Fair.* For payment of premiums in accordance with KRS 247.170,

1952-53 ---------- $75,000.00
1953-54 ---------- $75,000.00

B. *County and Community Fair Premiums.* For supplementing premiums to county and community fair award winners exhibiting at the State Fair. This amount is to be distributed in accordance with such regulations as the State Fair Board may make.

1952-53 ---------- $25,000.00
1953-54 ---------- $25,000.00

TOTAL—STATE FAIR BOARD

1952-53 ---------- $100,000.00
1953-54 ---------- $100,000.00

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40. DEPARTMENT OF CONSERVATION

A. *Office of Commissioner.*

1952-53 ---------- $48,250.00
1953-54 ---------- $49,500.00

B. *Division of State Parks.*

1952-53 ---------- $275,000.00
1953-54 ---------- $275,000.00

C. *Division of Forestry.*

1952-53 ---------- $299,250.00
1953-54 ---------- $292,450.00

D. *Division of Publicity.*
1952-53 ----------$154,000.00
1953-54 ----------$144,250.00

E. *Division of Soil and Water Resources.*
1952-53 ----------$87,500.00
1953-54 ----------$88,500.00

F. *Division of Flood Control and Water Usage.*
1952-53 ----------$30,300.00
1953-54 ----------$31,500.00

G. *Ohio River Valley Sanitation Commission.*
1952-53 ----------$21,500.00
1953-54 ----------$21,500.00

TOTAL—DEPARTMENT OF CONSERVATION
1952-53 ----------$915,800.00
1953-54 ----------$902,700.00

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41. KENTUCKY NATIONAL PARK COMMISSION

A. *Kentucky National Park Commission.* For maintenance of property acquired by the Commission until transferred to Federal Government for National Park purposes,
1952-53 ----------$3,500.00
1953-54 ----------$3,500.00

TOTAL—AGRICULTURE AND CONSERVATION
1952-53 ----------$1,329,300.00
1953-54 ----------$1,321,200.00

V. OTHER

42. STATE PROPERTY AND BUILDINGS COMMISSION

A. *State Property and Buildings Commission.* For rental of office space in Capitol Office Building for agencies supported by the General Fund.
1952-53 ----------$200,000.00
1953-54 ----------$200,000.00

GRAND TOTAL
1952-53 ----------$78,000,000.00
1953-54 ----------$81,000,000.00

PART TWO

NON-RECURRING COSTS—FROM SURPLUS

There is hereby appropriated out of the surplus cash balance in the State Treasury, to the credit of the General Expenditure Fund as of June 30, 1952 for each of the fiscal years 1952-53 and 1953-54, the following sums for the following departments, boards, commissions and subdivisions of the State Government listed hereinafter, for the following purposes:

I. GENERAL GOVERNMENT

1. STATUTE REVISION COMMISSION

A. *Statute Revision Commission—Printing Revolving Fund.* To be used for printing the Kentucky Revised Statutes, Notes and Annotations to the Kentucky Revised Statutes and supplements to these publications. Reimbursement shall be made to this account from sales of these publications. Any unexpended or unencumbered balance remaining at the end of fiscal year 1952-53 shall not lapse, but shall be available for expenditure during any following fiscal year.

1952-53 ----------$29,000.00

2. DEPARTMENT OF FINANCE

A. *Division of Purchases—Purchase of Paper Revolving Fund.* To be used for the purchase of paper to be held in stock until used by the various budget units. Reimbursement shall be made to this account by the budget units for paper used. Any unexpended and any unencumbered balance of this appropriation and any balance to the credit of this fund on June 30, 1952, shall not lapse at any time but shall be continuously available for expenditure for the purposes of this fund,

1952-53 ----------$15,000.00

B. *Division of Purchases—Central Stores Revolving Fund.* To be used for the purchase of supplies and services as contemplated by KRS 42.060 (3). Reimbursement shall be made to this account by the budget units for supplies and services used. Any unexpended and any unencumbered balance of this appropriation and any balance to the credit of this fund on June 30, 1952, shall not lapse at any time but shall be continuously available for expenditure for the purposes of this fund,

1952-53 ----------$10,000.00

C. *Division of Purchases—Postage Revolving Fund.* To be used for the purchase of postage to be held until used by the various budget units. Reimbursement shall be made to the account by the budget units for postage used. Any unexpended and any unencumbered balance of this appropriation and any balance to the credit of this fund on June 30, 1952, shall not lapse at any time but shall be continuously available for expenditure for the purposes of this fund,

1952-53 ----------$7,500.00

D. *Division of Engineering—Buildings Services Revolving Fund.* To be used to purchase and provide building services for the various budget units. Reimbursement shall be made to this account by the budget units for commodities furnished and services rendered. This account supersedes the Utilities Revolving Fund and all assets and obligations of that fund on June 30, 1952, are hereby transferred to and deemed to be appropriated to and assumed by the Buildings Services Revolving Fund. Any unexpended balance remaining at the end of the fiscal year 1952-53 shall not lapse, but shall be available for expenditure during any following fiscal year,

1952-53 ----------$15,000.00

TOTAL—DEPARTMENT OF FINANCE
1952-53 ----------$47,500.00

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3. DEPARTMENT OF AERONAUTICS

A. *Airport Development.* For airport development as pro-

vided for in KRS 183.760 through 183.772. No part of this appropriation shall be used for administrative expenses. Any unexpended balance of this appropriation and any balance to the credit of the Airport Development Fund on June 30, 1952, shall not lapse at any time but shall be continuously available to the Department for the purpose of carrying out the terms of the above statutory provisions.

1952-53 ----------$500,000.00
1953-54 ----------$500,000.00

4. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *Topographic Mapping Survey.* For matching available Federal Funds for compilation of modern large scale topographic maps of Kentucky. Any unexpended balance at the end of the fiscal year shall be carried over to the second,

1952-53 ----------$830,000.00

5. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Prior Year Claims.* For payment of claims authorized to be paid by KRS 45.231. Since the amount required to pay these claims cannot be anticipated with any degree of certainty, a specific appropriation is not made for this purpose and it is the intention of the General Assembly to appropriate the amount necessary to pay such claims.

6. STATE PROPERTY AND BUILDINGS COMMISSION

A. *For Capital Outlay.* For expenditure in accordance with the provisions of KRS 56.440 through 56.550. It is further provided that any necessary amount of this appropriation may be spent for administrative and operating expenses. Any unencumbered and any unexpended balance of this appropriation remaining at the end of the fiscal year for which the same is appropriated shall not lapse but may be expended for capital outlay purposes only thereafter and shall be carried forward until expended or until appropriated to the same or some other purpose or purposes by subsequent legislative action.

1952-53 ----------$10,600,000.00, together

with any unencumbered and/or unexpended balance of prior capital outlay appropriations remaining on June 30, 1952.

TOTAL—GENERAL GOVERNMENT
1952-53 ..... $12,006,500.00
1953-54 ..... $ 500,000.00

II. EDUCATION

1. DEPARTMENT OF EDUCATION

A. *Survey of School Facilities.* For matching Federal funds equally to conduct surveys of school facilities. Any unexpended balance at the end of the fiscal year shall be carried over to the second.

1952-53 ..... $ 40,000.00

B. *Teachers' Retirement System.*

1952-53 ..... $348,220.00

TOTAL—EDUCATION
1952-53 ..... $388,220.00

GRAND TOTAL
1952-53 ..... $12,394,720.00
1953-54 ..... $ 500,000.00

PART THREE

STATE ROAD FUND

There is hereby established for the purpose of paying all costs of operation and maintenance of the Department of Highways and for carrying on its activities and functions, a State Road Fund which shall consist of all of the revenue realized from fees, taxes and license fees levied for State Road Purposes now authorized by law, or that may hereafter be authorized by law, and any additional or other revenues, grants or funds, including any

amount which may be received from Federal aid or any other source pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Highways. Such receipts and revenues, together with any balance in the existing State Road Fund as of June 30, 1952, shall constitute the State Road Fund for the fiscal years 1952-53 and 1953-54. There is hereby appropriated from the State Road Fund the following amounts for the following departments, agencies, and subdivisions of the State Government, for the following purposes:

I. HIGHWAY DEPARTMENT GENERALLY

1. DEPARTMENT OF HIGHWAYS

A. *Department of Highways.* For use by the Department in activities, functions and duties performed by it as prescribed by law, all monies received and placed to the credit of the State Road Fund, not otherwise appropriated in this or any other Act.

2. RURAL HIGHWAYS

A. *Division of Rural Highways.* For improvement, construction, reconstruction and maintenance of county roads and bridges, which have not been accepted by the Department of Highways for maintenance, the sum of Five Million (5,000,000) Dollars for each of the fiscal years 1952-53 and 1953-54. This appropriation is to be expended in accordance with the provisions of KRS 179.410 to 179.430. Not more than six percent (6%) of this appropriation shall be used for administration.

B. *Secondary and Rural Roads.* For the construction, reconstruction and maintenance of secondary and rural roads, two-sevenths of all revenue received under the provisions of KRS 138.320. This appropriation is in addition to the amount appropriated under Section I, sub-section 2, paragraph A of Part Three of this Appropriation Act.

II. APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

3. DEPARTMENT OF TREASURY

A. *Department of Treasury.* For expenses pertaining to

to treasury administration for the Department of Highways. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ----------$26,000.00
1953-54 ----------$27,500.00

4. DEPARTMENT OF FINANCE

A. *Department of Finance.* For expenses pertaining to financial and personnel administration for the Department of Highways. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ----------$157,780.00
1953-54 ----------$166,950.00

5. DEPARTMENT OF REVENUE

A. *Department of Revenue.* For administering and enforcing the laws pertaining to the gasoline, motor fuels and any other taxes comprising the State Road Fund, and administering and enforcing the laws relating to motor vehicle registration, motorist's financial responsibility and other laws relating to motor vehicles and highways. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ----------$856,800.00
1953-54 ----------$887,500.00

6. DEPARTMENT OF STATE POLICE

A. *Department of State Police.* For expenses of operation of the Department as provided by law. This appropriation is in addition to the amount appropriated to the Department from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ----------$1,588,200.00
1953-54 ----------$1,799,600.00

7. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

For expenses pertaining to the following projects. This ap-

propriation is in addition to the amount appropriated to the Board in Parts One and Two of this Appropriation Act.

A. *Topographic Mapping Survey*

1952-53 ----------$415,000.00
1953-54 ----------$415,000.00

B. *Water Survey*

1952-53 ----------$51,666.00
1953-54 ----------$51,666.00

8. DEPARTMENT OF MOTOR TRANSPORTATION

A. *Department of Motor Transportation*

1952-53 ----------$322,000.00
1953-54 ----------$343,000.00

9. DEPARTMENT OF CONSERVATION

A. *Department of Conservation, Division of Publicity.* For expenses incident to the preparation, publication and distribution of road maps, booklets, photographs, advertisements and other activities intended to advertise and publicize Kentucky highways and highway conditions, tourist, scenic and travel attractions and places of interest to motorists. The authority for such expenditures granted to the Department of Highways by KRS 176.055 is hereby transferred to the Department of Conservation, Division of Publicity. This appropriation is in addition to the amount appropriated to the Department of Conservation, Division of Publicity, from the General Expenditure Fund in Part One of this Appropriation Act.

1952-53 ----------$225,000.00
1953-54 ----------$225,000.00

10. TRAFFIC SAFETY PROGRAM

A. *Traffic Safety Program.* For expenses relating to this program.

1952-53 ----------$16,000.00

TOTAL—APPROPRIATIONS TO DEPARTMENTS AND AGENCIES OTHER THAN HIGHWAYS

1952-53 ----------$3,658,446.00
1953-54 ----------$3,916,216.00

III. ADMINISTRATION AND EFFECT

11. All funds appropriated to the Department of Highways by Section I of Part Three of this Act (Highway Department Generally) shall be allocated equitably by the Commissioner of Highways, with the approval of the Commissioner of Finance, between the various activities and functions of the Department of Highways.

12. The appropriations made by this Act are subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year of the State Road Fund ending June 30, 1952.

PART FOUR

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various boards, commissions, institutions, agencies and/or subdivisions of the State Government only as are listed herein for the fiscal year ending June 30, 1953, and for the fiscal year ending June 30, 1954, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, federal grants and other federal receipts and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below named agencies of the State Government, the receipts which are received by each of the respective agencies of the State Government listed herein which receipts are placed to the credit of a Revolving or Trust and Agency Fund out of which shall be established separate Revolving or Trust and Agency Fund Accounts for the use and benefit of these agencies of the State Government. The total amount any agency may requisition for expenditure from the Revolving or Trust and Agency Fund Account, through the Department of Finance, shall not during the fiscal year ending June 30, 1953, nor during the fiscal year ending June 30, 1954, exceed the amount placed to the credit of the Revolving or Trust and Agency Fund for such year, out of which has been established a

Revolving or Trust and Agency Fund Account for each separate agency during such fiscal year, plus any balance which said agency may have had forwarded from the preceding year on or before September 30 of the then current fiscal year, by the Department of Finance.

I. GENERAL GOVERNMENT

1. JUDICIARY

A. *Board of Bar Examiners.*

2. SECRETARY OF STATE

A. *Expenses of Federal Elections.* All money received from the Federal Government to reimburse the State for expenses incurred in elections for Federal officers.

3. AUDITOR OF PUBLIC ACCOUNTS

A. *County Audits.* For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in KRS 43.070 and all other fees that may be received in connection with such examination.

4. COUNTY COSTS

A. *Truck Licenses—County Portion.* There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

B. *Legal Process Taxes.* As contemplated by KRS 47.110.

5. DEPARTMENT OF REVENUE

A. *Back Tax Section (Delinquent Taxes).* There shall be credited to this Revolving Fund such fees and revenue as are provided for by KRS 134.400.

6. DEPARTMENT OF MILITARY AFFAIRS

A. *Industrial Peace Officers.* All fees paid under KRS 61.360.

B. *Adjutant General Welfare Fund.*

7. DEPARTMENT OF AERONAUTICS

A. *Department of Aeronautics.*

8. DEPARTMENT OF STATE POLICE

A. *Department of State Police.*

9. AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

A. *Agricultural and Industrial Development Board.*

10. DEPARTMENT OF LIBRARY AND ARCHIVES

A. *Kentucky State Historical Society.*

B. *Library Extension Division.*

C. *State Board of Certification of Librarians.*

11. DEPARTMENT OF INSURANCE

A. *Fire Prevention.* All fees, receipts, collections and assessments paid into the State Treasury during the calendar years 1952 and 1953, under KRS 136.360, and also an amount equal to twenty five (25%) percent of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of sub-sections 1 through 10 except 9 of KRS 304.460, are hereby appropriated to the Fire Prevention and Rates Section for the fiscal years ending June 30, 1953 and June 30, 1954, respectively.

B. *Custodian of Securities.* All sums paid for expenses under the provisions of KRS 304.503.

C. *Insurance Examiners Expense.* All fees paid pursuant to the provisions of KRS 304.035.

D. *Liquefied Petroleum.* All fees paid pursuant to the provisions of KRS 234.030.

E. *Examination of Insurance Agents.* All fees paid pursuant to KRS 304.460 (9).

12. DEPARTMENT OF BUSINESS REGULATION

A. *State Board of Accountancy.*

B. *State Board of Examiners and Registration of Architects.*

C. *State Board of Barbers and Beauticians Examiners.*

D. *State Board of Chiropractic Examiners.*

E. *State Board of Dental Examiners.*

F. *State Board of Embalmers.*

G. *State Board of Pharmacy—Prophylactic Enforcement.*

H. *State Board of Pharmacy.*

I. *State Board of Nurses Education and Nurses Registration.*

J. *State Board of Veterinary Examiners.*

K. *State Board of Professional Engineers.*

L. *State Real Estate Commission.*

M. *State Board of Psychologists.*

N. *State Board of Optometric Examiners.*

13. PUBLIC SERVICE COMMISSION

A. *Public Service Commission.* The fees collected subject to the provisions of KRS 278.130 to 278.150.

14. DEPARTMENT OF INDUSTRIAL RELATIONS

A. *Workmen's Compensation Board.* Subject to the provisions of KRS 342.485 and 342.122.

15. DEPARTMENT OF MINES AND MINERALS

A. *Department of Mines and Minerals.*

16. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Alcoholic Beverage Confiscation Expense.* As contemplated by KRS 244.190 (3).

17. DEPARTMENT OF BANKING

A. *Department of Banking.*

B. *Division of Securities.*

18. STATE PROPERTY AND BUILDINGS COMMISSION

A. *State Property and Buildings Commission.*

19. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Jefferson County Master Commissioner.*

B. *Jefferson County Fees.* For paying various officials of Jefferson County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

C. *Kenton County Fees.* For paying various officials of Kenton County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

D. *Fayette County Fees.* For paying various officials of Fayette County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

E. *Campbell County Fees.* For paying various officials of Campbell County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court

of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

F. *Pike County Fees.* For paying various officials of Pike County seventy-five percent (75%) of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of said County twenty-five percent (25%) of said fees as may be required by KRS 64.350.

G. Any other counties that may come within the purview of KRS 64.350 and Section 106, Kentucky Constitution, during the fiscal years ending June 30, 1953 and June 30, 1954.

II WELFARE

20. DEPARTMENT OF WELFARE

A. *Department of Welfare.*

21. DEPARTMENT OF ECONOMIC SECURITY

A. *Department of Economic Security.*

B. *Bureau of Employment Security.*

C. *Division of Personnel Security—Administration.* County and Municipality contributions.

22. DEPARTMENT OF HEALTH

A. *Department of Health.*

B. *County Health Units and Departments.*

C. *Heart Disease.*

D. *Kentucky Division of Women's Field Army of American Society for Control of Cancer.*

E. *Kentucky Crippled Children's Commission.*

23. STATE TUBERCULOSIS SANATORIA COMMISSION

A. *State Tuberculosis Sanatoria Commission.*

III EDUCATION

24. DEPARTMENT OF EDUCATION

A. *Department of Education.*

25. UNIVERSITY OF KENTUCKY

A. *University of Kentucky.*

26. EASTERN STATE COLLEGE

A. *Eastern State College.*

27. MOREHEAD STATE COLLEGE

A. *Morehead State College.*

28. MURRAY STATE COLLEGE

A. *Murray State College.*

29. WESTERN STATE COLLEGE

A. *Western State College.*

30. KENTUCKY STATE COLLEGE

A. *Kentucky State College.*

IV AGRICULTURE AND CONSERVATION

31. DEPARTMENT OF AGRICULTURE

A. *Department of Agriculture.*

32. STATE FAIR BOARD

A. *State Fair Board.*

33. DEPARTMENT OF CONSERVATION

A. *Division of State Parks.*
B. *Division of Forestry.*
C. *Division of Publicity.*
D. *Division of Soil and Water Resources.*
E. *Kentucky National Park Commission.*
F. *National Forest Fund.*
G. *Federal Flood Control Payments.*

34. GAME AND FISH

A. *Department of Game and Fish.*

PART FIVE
GENERAL PROVISION

1. Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1952 and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance. All questions that arise in interpreting any appropriation in this Act as to the purposes for which the same may be expended shall be decided by the Commissioner of Finance in accordance with the detailed estimates embodied in the budget report as considered by the General Assembly, and the decision of the Commissioner of Finance shall be final and conclusive.

2. Whereas, the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are hereby made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Legislature that the State expenditures for each fiscal year covered in this Act shall not exceed the total revenues anticipated to accrue to the General Expenditure Fund for the same fiscal year. As the conditions can not be finally determined until after the adjournment of this session of the Legislature, and as the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues accruing to the General Fund can not be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government, and to ascertain the total revenue anticipated to accrue to the General Expenditure Fund of the Commonwealth, and upon the ascer-

tainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general law, is hereby authorized, empowered and directed by the Legislature to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution or subdivision of the State Government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

3. Since the total amount of revenue accruing to the General Expenditure Fund can only be anticipated and not finally determined at this time and since it cannot be finally ascertained at this time whether total revenues accruing to the General Expenditure Fund will equal appropriations therefrom, it is the intention and purpose of this General Assembly that any available Surplus in the General Expenditure Fund may be used to fulfill appropriations made in Part One of this Appropriation Act, but only in the event such appropriations exceed the total of revenues accruing to the General Expenditure Fund.

4. In the event receipts to the General Expenditure Fund from current revenues for the fiscal year 1952-53 exceed the sum of Seventy Eight Million Dollars ($78,000,000) such excess, but not to exceed Three Million Dollars ($3,000,000) is hereby appropriated to the Governor's Special Emergency Fund to be used by him for the fiscal year of 1953-54 for supplementing existing appropriations for ordinary recurring and extraordinary governmental expenses deemed emergencies by the Governor and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of all or any part of said fund.

5. In enacting this Budget Appropriation Law, it is the deliberate intention of the General Assembly to enact each section, and each sub-section thereof, as a separate and/or specific

appropriation and law, and if any section or any sub-section thereof shall be held invalid, or unconstitutional the decision of the courts shall not affect or impair any of the remaining sections, sub-sections, or provisions contained herein.

6. All continuing appropriations in existence at the time this Act takes effect are hereby discontinued and repealed by this Act, except as provided by Chapters 12, 42, and 45 of the Kentucky Revised Statutes. All laws and parts of laws in conflict with any of the provisions of the above enactments, to the extent of such conflict, are hereby repealed.

Ordered that said bill be printed and referred.

Senator Moloney moved that the Senate do now recess until 2:10 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the Senate was called to order by the Speaker of the House, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of hearing Reports of Committees.

Said motion was agreed to.

REPORT OF COMMITTEES

Senator Kidwell, Chairman of the Committee on Appropriations, to which same had been referred previously, reported a bill of the following title, viz:

H. B. No. 12. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies and other state supported activities, and declaring an emergency to exist.

With the expression of opinion that said bill should pass.

Senator Cox, Chairman of the Committee on Kentucky Stat-

utes No. 2, to which same had been previously referred, reported bills of the following titles, viz:

S. B. No. 1. AN ACT relating to bribery of participants in professional or amateur games, sports, contests and horse racing.

With the expression of opinion that said bill should pass.

S. B. No. 7. AN ACT relating to marriage licenses, amending section 402.080 of the Kentucky Revised Statutes.

With the expression of opinion that said bill should not pass.

Whereupon, said bills, H B. No. 12 and S. B. No. 1, were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Wednesday, January 23, 1952.

Said motion was agreed to.

And then the Senate adjourned.

WEDNESDAY, JANUARY 23, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by Monsignor Joseph A. O'Dwyer, of the Church of the Good Shepherd, Frankfort, Kentucky.

The Roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Julian Golden	Homer E. Losey
Bernard J. Bonn	James P. Hanratty	C. W. A. McCann
Eugene H. Clark	Doug Hays	James R. Mansfield
Augustus Cornett	Stanley Hoffman	Earl F. Martin
Louis Cox	Dr. J. E. Johnson	Strother Melton
Archie Craft	Alvin Kidwell	Richard P. Moloney
Ernest M. Ford	Bert Kiser	O. W. Montgomery
Wayne Freeman	James Lassiter	Freeman Robinson

William J. Sample	Paul Stapleton	Sylvester Wagner
Clay Shackleford	Otis C. Thomas	Ed P. Warriner
Leon Shaikun	Wendell Van Hoose	E. V. Withers
Cortis K. Stacy		—34

Senator Cox moved that the reading of the Journal of the Senate of the proceedings of Tuesday, January 22, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

Senator Blake moved that the Journal be corrected and that his name and that of Senator Withers be removed from sponsoring S. B. No. 62.

Said motion was agreed to.

At this time, The President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth, vacated the chair which was assumed by Senator Shaikun.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Martin.

S. B. No. 67. AN ACT relating to cities of the sixth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 88.030 of the Kentucky Revised Statutes is amended to read as follows:

The government of each city of the sixth class not having the commission form of government shall be vested in a board of trustees, consisting of three members, a police judge, a treasurer, a clerk, a marshal, and such subordinate officers as are hereinafter provided for.

Sec. 2. Section 88.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of trustees shall meet on the first Monday in January next succeeding the election of its members, and shall elect one of its number chairman. The board shall hold regular meetings once a month, at a time fixed by ordinance. Special meetings may be called at any time by the chairman or by two members, by written notice delivered at least three hours prior to the time specified for the proposed meeting. All meetings shall be held within the city limits at a place designated by ordinance, and shall be public.

(2) At any meeting of the board of trustees a majority of the members shall constitute a quorum, but a less number may adjourn from time to time and compel the attendance of absent members under penalties prescribed by ordinance. The chairman shall preside at all meetings of the board, and may vote as other members. If the clerk is absent the chairman shall appoint one of the members of the board clerk pro tem.

Sec. 3. Section 88.110 of the Kentucky Revised Statutes is amended to read as follows:

The board of trustees may, by a vote of two-thirds of its members, after having obtained the written consent of the owners of the lands fronting and abutting upon the dedicated street within one square of the portion proposed to be taken, take, use and occupy, for public buildings, any part or all of any real estate dedicated for a street. The consent shall be acknowledged and recorded in the same manner as deeds to real estate.

Sec. 4. Section 88.170 of the Kentucky Revised Statutes is amended to read as follows:

No person shall be eligible to hold any office in the city, except the office of marshal, unless he is a resident and elector in the city, and has resided in the city for one year next preceding the date of his election or appointment. To be eligible to membership on the board of trustees, a person must, in addition to all other qualifications, be the owner of real property in the city. To be eligible to the office of marshal a person must, at

the time of his election or appointment, be a bona fide resident of the city and a legal voter in the justice's district in which the city is situated.

Sec. 5. Section 1 of this Act shall become operative on the date of the next regular election for members of boards of trustees in any city of the sixth class. Sections 2, 3 and 4 of this Act shall become operative on the first Monday in January following such election.

By Senator Cox:

S. B. No. 68. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every applicant for a certificate or permit, or for amendment, transfer, sale, change in route or abandonment of a certificate or permit, or for a change in rate, shall apply for same to the department in such form and the application shall contain such matters as the department may prescribe.

(2) For the filing of such application the department shall receive a fee of twenty-five dollars.

Section 2. Subsections (1), (2) and (3) of section 281.655 of the Kentucky Revised Statutes are amended to read as follows:

(1) Before a certificate or any permit will be issued or renewed the applicant must file, or have on file, with the Department of Motor Transportation an approved indemnifying bond or insurance policy, issued by some surety company or other insurance carrier authorized to transact business within the State of Kentucky, which bond or policy shall be issued for such a period of time that its expiration date will be January 1 of the following year, and shall have attached thereto the state insurance endorsement. The bond or insurance must be issued in

the name of the applicant, except in case of leased equipment, which may, with the approval of the department, be covered by the insurance of the lessee. In lieu of bond or policy, there may be filed with the department an approved certificate of insurance; provided, however, that the expiration date of January 1 above referred to shall not apply to policies the term of which is continuous and which are to remain in full force until cancelled under proper notice.

(2) All bonds or policies shall specifically state what equipment is covered by the policy. In the event certificate is filed it shall have endorsed thereon a specific description of all equipment covered by the policy. It is further required that any and all changes in the equipment covered by the policy or bond shall be certified to the department at once. The commissioner may authorize the acceptance of a policy that is an overall coverage blanket policy, which does not specifically describe the equipment covered thereby.

(3) The types and minimum amounts of insurance to be carried on each vehicle are as follows:

MOTOR VEHICLES FOR TRANSPORTATION OF PERSONS

Capacity	Death or Injury To Any One Person	Total Liability For Death or Injury to Persons	Property Damage
7 persons or less	$5,000.00	$10,000.00	$1,000.00
8 to 16 inclusive	5,000.00	15,000.00	1,000.00
17 to 25 inclusive	5,000.00	20,000.00	1,000.00
26 or more	5,000.00	25,000.00	1,000.00

MOTOR VEHICLES FOR TRANSPORTATION OF PROPERTY

Gross Weight	Death of or Injury to Any One Person	Total Liability For Death of or Injury to Persons	Property Damage
5,000 lbs. or less	$5,000.00	$10,000.00	$1,000.00
More than 5,000 lbs.	5,000.00	15,000.00	1,000.00

Section 3. Subsection (2) of section 281.725 of the Kentucky Revised Statutes is amended to read as follows:

(2) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof is at least 18 years of age where the vehicle is transporting property, or at least 21 years of age where the vehicle is transporting passengers.

Section 4. Subsections (1) and (2) of section 281.780 of the Kentucky Revised Statutes are amended to read as follows:

(1) An appeal to the Franklin Circuit Court may be taken from any final order of the department by anyone who was a party to the proceedings before it.

(2) In the case of an appeal wherein a certificate or permit has been issued or amended or revoked or suspended or sold or transferred, the certificate or permit or its amendment or its sale and transfer shall remain in force until the final disposition of the appeal, not to exceed a period of 18 months from the date of the order of the department appealed from.

Section 5. Subsection (3) of section 281.825 of the Kentucky Revised Statutes is amended to read as follows.

(3) When any motor vehicle that has been licensed by the department has been destroyed by fire, sold or transferred to any person, or is not to be used further on the highways of this State for hire by the person to whom it was licensed, such person may surrender the tag or certificate of such motor vehicle issued by the department, and upon satisfactory proof to the department that the motor vehicle will not be further used on the highways of this State during the current license period in a for-hire operation by such person, the department shall give credit to such person for the amount of the unearned portion of the tax paid, upon another motor vehicle belonging to such person which is to be put into service in that year. No cash refunds shall be made in any event and no credit shall be given in excess of the fractional year's tax on the new motor vehicle for that year.

Section 6. Subsection (1) of section 281.815 of the Kentucky Revised Statutes is amended to read as follows:

(1) On or before January 1 of each year and as a condition precedent to the use of the highways, every motor carrier pri-

marily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual tax upon each motor vehicle so used, as follows: Except as provided in subsection (2) of this section, a mileage tax equal to one-thirty-sixth of a cent for each regular seat in the motor vehicle multiplied by the total number of miles traveled over which passengers are transported for hire, and in addition a seat tax equal to $8 for each regular seat for the first sixteen seats, $15 for each regular seat for the next eight seats, and $25 for each regular seat for all remaining seats.

By Senator Cox.

S. B. No. 69. AN ACT relating to reciprocal tax exemptions for nonresident motor carriers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.835 of the Kentucky Revised Statutes is amended to read as follows:

To carry out the declaration of policy provided for in K.R.S. 281.590, the department may enter into reciprocity agreements with other states and the District of Columbia whereby motor vehicles, as defined in K.R.S. 281.010, while operating into or through the Commonwealth of Kentucky in interstate commerce and under a certificate or permit or exemption from the Interstate Commerce Commission and properly licensed in another State, shall be exempt from registration fees under K.R.S. Chapter 186 and the weight tax or mileage tax and seat tax under this chapter, provided like or similar privileges are granted motor vehicles, as defined in K.R.S. 281.010, properly licensed in this State.

By Senator Cox.

S. B. No. 70. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.630 of the Kentucky Revised Statutes is amended to read as follows:

(1) A certificate shall be granted to any qualified applicant therefor authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements, rules and regulations of the department thereunder, and further, that the existing transportation service is inadequate, and that the proposed service to the extent to be authorized by the certificate is, or will be, required by the present and future public convenience and necessity, and that the proposed operation to the extent authorized by the certificate will be consistent with the public interest and the transportation policy declared in this chapter; otherwise the application shall be denied.

(2) No certificate shall be issued for the operation of an industrial bus, even if public convenience and necessity is shown, unless existing common carriers serving the route, or any part thereof, or the contiguous territory, shall refuse to furnish the service found to be necessary within thirty days after the hearing.

(3) In granting a certificate, the order, among other things, shall specify the route or routes of service and territory to be served, provided that where the certificate to be granted specifies a route or routes or portion of a route or routes common to a certificate or certificates authorizing the same type of operation held by the applicant, all such certificates shall constitute but a single operating authority over that portion of the route or routes common to the certificates. The order granting a certificate shall not limit the number of vehicles to be operated by the motor carrier except that, in the granting of a certificate for the operation of taxicabs, the order shall specify the maximum number of taxicabs to be operated thereunder.

(4) A carrier shall be entitled to have issued to it by the department as many certificates, and of such types, as will cover its entire authorized operation.

(5) A permit shall be granted to any qualified applicant therefor authorizing in whole or in part the operations covered by the application, if it appears from the application and the hearing held thereon that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of this chapter and the lawful requirements, rules and regulations of the department thereunder, and that the proposed operation to the extent authorized by the permit will be consistent with the public interest and the transportation policy declared in this chapter, and that it will not unreasonably impair the efficient public service of any authorized common carrier then adequately serving the same territory; otherwise such application shall be denied. The department shall specify in the permit the business of the contract carrier covered thereby and the scope thereof, and shall attach to it at the time of issuance, and from time to time thereafter, such reasonable terms, conditions and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out with respect to the operations of such carrier the requirements established by the department.

(6) Amendment or change of route or abandonment of a certificate or permit shall be granted upon the same basis that an original certificate or permit is granted.

(7) Any certificate or permit may be sold, assigned, leased or transferred, after a hearing and notice to interested parties as provided for in K.R.S. 281.625, provided the transferee is fit, willing and able to render the proposed service, unless it would be against the public interest, and provided further that the commissioner may approve the sale and transfer of a certificate for the operation of taxicabs without a hearing if, after due notice of the proposed sale or transfer is given to all interested parties in accordance with the rules and regulations of the department, no protest is filed to the proposed sale or transfer and the commissioner believes that it will be in the public interest.

(8) For the purpose of this section, a transfer of the controlling stock of a corporation owning a certificate or permit may be considered a transfer of said certificate or permit.

(9) Upon the consummation of a merger or consolidation of motor carriers as effected under the provisions of K.R.S. Chapter 271, the surviving or new corporation, as the case may be, shall own and possess all of the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties owned or possessed by each of such motor carriers; and if such merger or consolidation is set aside, the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties acquired by the surviving or new corporation through the merger or consolidation shall become revested in the corporation from which acquired, unless disposed of, subject to such indebtedness and liens as may be equitable, and all other properties of the surviving or new corporation shall become vested in the constituent corporation in such manner as may be fair and equitable.

(10) (a) Notwithstanding the provisions of subsection (4) of this section, where a motor carrier has been granted two or more certificates or permits authorizing the same type of operation over a route or routes or a portion of a route or routes common to two or more of the certificates or permits, the carrier shall be deemed to possess only one operating authority over that portion of the route or routes common to the certificates or permits.

(b) The department is authorized to recall any of the certificates or permits described in paragraph (a) and to reissue one or more certificates covering the exact authority.

Section 2. It is the purpose of Subsections (3) and (10) of Section 1 of this Act to further clarify the provisions of K.R.S. 281.630 relating to the application of the administrative and judicial interpretations of the Federal Motor Carrier Act to the administration of Chapter 281 of the Kentucky Revised Statutes.

By Senator Van Hoose.

S. B. No. 71. AN ACT relating to game and fish.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species as prescribed by the division. The open season for rabbits may be between November 1 and February 1 only, but shall not exceed a total of sixty days, consecutive or otherwise. The open season for mink, opossum, raccoon, skunk, muskrat and red fox may be between November 1 and February 15 only, but shall not exceed a total of sixty days, consecutive or otherwise except that the division may allow an additional thirty days in which opossum and racoon may be hunted and taken by dog only. The open season for squirrel may be between September 1 and October 31 only, but shall not exceed a total of forty days consecutive or otherwise. The open season for pond bull or jumbo frogs shall be such period as the division may prescribe. There shall be no open season for otter or beaver.

By Senator Wagner.

S. B. No. 72. AN ACT relating to Congressional Districts amending Section 120.060 Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 120.060 is amended to read as follows: The state is divided into eight Congressional Districts, composed as follows:

First District—Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, McCracken, McLean, Marshall, Trigg, Union and Webster Counties.

Second District—Allan, Barren, Breckinridge, Butler, Daviess, Edmonson, Grayson, Green, Hancock, Hart, Logan, Metcalfe, Monroe, Muhlenberg, Ohio, Simpson, Todd and Warren Counties.

Third District—Jefferson County.

Fourth District—Adair, Bullitt, Casey, Clinton, Cumberland, Hardin, Larue, Laurel, Lincoln, McCreary, Marion, Meade, Nelson, Pulaski, Rockcastle, Russell, Spencer, Taylor, Washington and Wayne Counties.

Fifth District—Bath, Boone, Bracken, Campbell, Carroll, Fleming, Gallatin, Grant, Harrison, Henry, Kenton, Lewis, Mason, Nicholas, Oldham, Owen, Pendleton, Robertson and Trimble Counties.

Sixth District—Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Jackson, Jessamine, Madison, Mercer, Montgomery, Powell, Scott, Shelby and Woodford Counties.

Seventh District—Boyd, Carter, Elliott, Floyd, Greenup, Johnson, Knott, Lawrence, Magoffin, Martin, Menifee, Morgan, Pike and Rowan Counties.

Eighth District—Bell, Breathitt, Clay, Harlan, Knox, Lee, Leslie, Letcher, Owsley, Perry, Whitley and Wolfe Counties.

By Senator Lassiter.

S. B. No. 73. AN ACT relating to the terms of court in the Third Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (3) of section 23.050 of the Kentucky Revised Statute is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

* * * *

Third District. Calloway County, at Murray, on the first Monday in April, twenty-four juridical days; on the first Monday in August, twelve juridical days; on the first Monday in November, twenty-four juridical days.

Christian County, at Hopkinsville, on the second Monday

in February, thirty-six juridical days; on the first Monday in June, twenty-four juridical days; on the third Monday in September, thirty-six juridical days.

Lyon County, at Eddyville, on the first Monday in May, third Monday in August and first Monday in December, twelve juridical days each.

Trigg County, at Cadiz, on the fourth Monday in January, the third Monday in May and first Monday in September, twelve juridical days each.

* * * *

Section 2. This Act shall take effect on July 15, 1952.

By Senator Warinner.

S. B. No. 74. AN ACT relating to contracts and separate estate of married women, amending section 404.010 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 404.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Marriage shall give to the husband, during the life of the wife, no estate or interest in the wife's property, real or personal, owned at the time or acquired after the marriage. During the existence of the marriage relation the wife shall hold and own all her estate to her separate and exclusive use, and free from the debts, liabilities or control of her husband.

(2) After the effective date of this Act a married woman may make a contract to answer for the debt, default or misdoing of another, including her husband, except that no married woman may be held liable as surety for any person in connection with any criminal proceeding, and her estate shall be subjected to the payment or satisfaction of such liability, so contracted for, provided, however, no part of a married woman's estate shall be subjected to the payment or satisfaction of any liability upon such a contract made after marriage and before the effective date

of this Act unless the estate has been set apart for that purpose by mortgage or other conveyance. But a married woman's estate shall be liable for her debts and responsibilities contracted before marriage, and for such contracted after marriage, except as provided in this chapter and in KRS Chapter 392.

By Senator Warinner.

S. B. No. 75. AN ACT relating to limitations on rights and actions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 413.120 of the Kentucky Revised Statutes is amended to read as follows:

The following actions shall be commenced within five years after the cause of action accrued;

(1) An action upon a contract not in writing, express or implied.

(2) An action upon a liability created by statute, when no other time is fixed by the statute creating the liability.

(3) An action for a penalty or forfeiture when no time is fixed by the statute prescribing it.

(4) An action for trespass on real or personal property.

(5) An action for the profits of or damages for withholding real or person property.

(6) An action for the taking, detaining or injuring personal property, including an action for specific recovery.

(7) An action for an injury to the rights of the plaintiff, not arising on contract and not otherwise enumerated.

(8) An action upon a bill of exchange, check, draft or order, or any endorsement thereof, or upon a promissory note, placed upon the footing of a bill of exchange.

(9) An action to enforce the leability of a steamboat or other vessel.

(11) An action upon an account concerning the trade of merchandise, between merchant and merchant or their agents.

(12) An action for relief or damages on the ground of fraud or mistake.

(13) An action to enforce the liability of bail.

Section 2. Section 413.090 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 413.110, 413.200, 413.210, 413.220, 413.230 and 413.240, the following actions shall be commenced within fifteen years after the cause of action first accrued.

(1) An action upon a judgment or decree of any court of this state or of the United States, or of any state or territory thereof, the period to be computed from the date of the last execution thereon.

(2) An action upon a recognizance, bond or written contract.

(3) An action upon the official bond of a sheriff, marshal, clerk, constable or any other public officer, or any commissioner, receiver, curator, personal representative, guardian, committee, or trustee appointed by a court or authority of law.

(4) An action upon an appeal bond or bond given on a supersedeas, attachment, injunction, order of arrest or for the delivery of property or for the forthcoming of property, or to obey or perform an order or judgment of court in an action, or upon a bond for costs, or any other bond taken by a court or judge or by an officer pursuant to the directions of a court or judge, in an action or after judgment or decree, or upon a replevin, sale or delivery bond taken under execution, decree or warrant of distress, upon an indemnifying bond taken under a statute, or upon a bond to suspend a proceeding, or upon a bond or obligation for the payment of money or property or for the performance of any undertaking.

(5) An action upon a merchant's account for goods sold and delivered, or any article charged in such store account.

By Senator Melton.

S. B. No. 76. AN ACT relating to mechanics' and materialmen's liens.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of Section 376.010 of the Kentucky Revised Statutes is amended to read as follows:

(3) No person who has not contracted directly with the owner or his agent shall acquire a lien under this section unless he notifies in writing the owner of the property to be held liable or his authorized agent, within ninety days after the last item of material or labor is furnished, of his intention to hold the property liable and the amount for which he will claim a lien. It shall be sufficient to prove that the notice was mailed to the last known address of the owner of the property upon which the lien is claimed, or to his duly authorized agent within the county in which the property to be held liable is located.

By Senator McCann.

S. B. No. 77. AN ACT concerning evidence of alibi in criminal practice.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whenever a defendent in a criminal prosecution intends to offer in his defense, evidence to establish an alibi, he shall, not less than eight days before the trial, serve upon the Commonwealth's attorney a written notice of his intention stating specifically the place where the defendent was at the time of the alleged offense. At the trial the defendent shall not be permitted to introduce evidence inconsistent with the notice unless the court finds that the admission thereof will be in the interest of justice. If the defendant fails to file the notice required by this section, the court may exclude evidence offered by the defendant to establish an alibi.

Ordered that said bills be printed and referred.

Senator Montgomery, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill and a resolution of the following titles, viz:

S. B. No. 6. AN ACT relating to Offenses against property by Fraud, amending Section 434.070 of the Kentucky Revised Statutes.

S. Res. No. 5. A JOINT RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

With the expression of opinion that said bill and said resolution should pass.

Whereupon said resolution and said bill were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Montgomery, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported bills of the following titles, viz:

S. B. No. 20. AN ACT relating to chattel mortgages, amending section 382.720 of the Kentucky Revised Statutes.

S. B. No. 32. AN ACT relating to the obtaining of credit for merchants.

S. B. No. 53. AN ACT relating to the obtaining of credit for merchants.

S. B. No. 15. AN ACT amending the law relating to holidays, so as to include as a holiday St. Patrick's Day (March 17).

With the expression of opinion that said bills should not pass.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 12. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions,

agencies and other state supported activities, and declaring an emergency to exist.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 1. AN ACT relating to bribery of participants in professional or amateur games, sports, contests and horse racing.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

Senator Moloney moved that further consideration of said bills be made a Special Order of the Day for the hour of 10:15 A.M., Thursday, January 24, 1952.

Said motion was agreed to.

Senator McCann moved that the rules be suspended for the purpose of a committee report by the Committee on Municipalities.

Said motion was agreed to.

Senator McCann, Chairman of the Committee on Municipalities, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 24. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restrictions on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

With the expression of opinion that said bill should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

At this time, Senator Shaikun vacated the chair and the President of the Senate, Honorable Emerson Beauchamp, resumed the chair.

Senator Moloney moved that the Senate do now recess until 2 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the Senate was called to order by the Speaker of the House, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

Senator Kidwell moved that when the Senate adjourns today, it adjourn out of respect to Mrs. John Funk, recently deceased, who was the mother-in-law of Senator Williams.

Said motion was agreed to.

Senator Moloney moved that the Senate, out of respect to Mrs. John Funk, do now adjourn until 10 A.M., Thursday January 24, 1952.

Said motion was agreed to.

And then the Senate adjourned.

THURSDAY, JANUARY 24, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by Monsignor Joseph A. O'Dwyer of the Church of the Good Shepherd, of Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warriner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers

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The following Senators were absent—

Thos. Hines	Jack Reynolds	—2

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings of Wednesday, January 23, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

Senator Cox moved that when the Senate adjourns today it adjourn out of respect to Major General Edgar Erskine Hume, U.S.A., Frankfort, who died this morning in Washington, D.C.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Warriner.

S. B. No. 78. AN ACT relating to a Veterans Bonus and providing a sale tax on alcoholic beverages for payment thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definition.—As used in this act, and unless a different meaning appears from the context:

(a) The term "Board" means the Kentucky Disabled Ex-Service Men's Board.

(b) The term "member of the armed forces of the United States" means any person in active military or naval service in the land, air, or naval forces of the United States, including all members of the army of the United States, air forces of the United States, United States navy, United States marine corp, United States coast guard, and any and all of their respective components, including both male and female members. Service in the merchant marine shall not be considered for the purposes of this act.

(c) The term "next of kin" means the widow or widower, who has not remarried, children, persons standing in loco parentis, mother, father (however if the mother, or father has abandoned, deserted or failed to exercise parental care to deceased while a minor, she or he will be removed from the line of succession within this definition), of any member of the armed forces of the United States, in the order named and none other.

(d) The term "continental limits of the United States" is limited to the states of the United States and the District of Columbia.

Section 2. A bonus shall be paid to each member of the armed forces of the United States, still in the armed forces, or separated or discharged under honorable conditions, who was on active duty with such armed forces at any time during which

period the Congress of the United States has declared a state of war to exist, who was on such duty at least ninety days, and who was a resident of this state for at least six months immediately prior to his or her enlistment, induction or call to active duty, such bonus shall be payable out of the War Bonus Fund created by this act, shall be based solely on service within the above period and, subject to the provisions and limitations of subsection (1) and (2) of this section, be computed and paid as follows:

For each month of service within the continental limits of the United States the sum of five dollars; for each month of service outside the continental limits of the United States the sum of ten dollars.

(1) The minimum bonus payable hereunder shall be thirty dollars. The bonus for a fraction of a month of service shall be paid on the basis of one-thirtieth of the above monthly amounts for each day of such service.

(2) Except as provided in subsection (5) of this section with reference to disabilities, the maximum bonus payable to any member of the armed forces under this act shall be five hundred dollars, regardless of the length of service of such member. No payment shall be made to any member of the armed forces of the United States who, though in service, was a conscientious objector to military service: Provided, however, that a bonus shall be paid as provided for in this act to any conscientious objector who was disabled as established by the United States Veterans Administration while serving in the armed forces of the United States in a military capacity and who was honorably discharged; and, provided further, that the bonus provided for in this act shall be paid to the next of kin of any conscientious objector who died while on active duty in the armed forces of the United States in a military capacity during the period from December 7, 1941 to and including September 2, 1945, and such death was service connected. No payment shall be made to any person who did only civilian work at civilian pay, or who has received from another state a bonus or adjusted compensation of a like nature as is provided by this act. No payment of a bonus shall be made under this act until the board shall order and direct the payment thereof in keeping with the terms of this act, and, in such order,

fix the date upon which payment of such claims shall begin. The recipients of the bonus monies shall be divided into three classes, as follows:

1st class shall include all persons referred to in subsection (4) of this section.

2nd class shall include all persons referred to in subsection (5) of this section.

3rd class shall include all other claims allowed under this act which are not included in the 1st and 2nd classes of this section.

The Board is hereby authorized to direct the payment of such claims and fix the date upon which payment of such claims shall begin, but no such direction or order shall be made by the Board until it shall find that the monies in the War Bonus Fund are sufficient to pay in full all claims, allowed or to be allowed as herein later provided in the 1st class. After all claims in the 1st class have been satisfied, the board may authorize payment to the 2nd class and fix the date upon which payment of such claims shall begin, but no such direction or order shall be made by the board until it shall find that the monies in the War Bonus Fund are sufficient to pay in full all claims, allowed or to be allowed as herein later prescribed in the 2nd class. After satisfaction of all claims following within the 1st and 2nd classes and upon finding sufficient monies in the War Bonus Fund to pay in full all claims in the 3rd class, the board is authorized to direct payment of such claims and fix the date upon which payment of such claims shall begin. Until the effective date of any such order of the board so directing the payment of any class and fixing such date, neither any member of the armed forces of the United States nor the next of kin of any member shall have or acquire any right, vested or accrued, to the bonus provided for under this act nor any such right in or against the Commonwealth of Kentucky, the board, or the funds appropriated to the War Bonus Fund.

(3) A bonus in the amounts specified in preceding subsection of this section shall be paid to the next of kin of each member of the armed forces of the United States, who, eligible

under this act, and, having been a resident of this state for a period of six months immediately prior to his or her enlistment, induction or call to active duty, died prior to receiving payment of such bonus, regardless of whether an application was filed by such member prior to his or her death, filing for payment of such bonus as provided for in this act: Provided, that no next of kin, who by his own hand, feloniously causes the death of such member of the armed forces, shall be entitled to receive the bonus provided for in this subsection.

(4) A bonus of five hundred dollars, regardless of the length of service of such member, shall be paid to the next of kin of each member of the armed forces of the United States, who, having been a resident of this state for a period of six months immediately prior to his or her enlistment, induction or call to active duty, died while on active duty at any time during the period from December 7, 1941 to and including September 2, 1945, and such death was service connected; provided no such payment is authorized or shall be made to the next of kin of such a member if such death was due to his or her own misconduct.

(5) Any veteran whose disability is determined to be at least ten per cent but less than one hundred per cent, as established by the United States Veterans Administration, shall receive in addition to the other bonus monies for which he is eligible under this act, the sum, of one hundred dollars. Any veteran eligible hereinunder, who is one hundred per cent disabled, as established by the United States Veterans Administration shall be entitled to the maximum payment of five hundred dollars, however, if a veteran who is one hundred per cent disabled, as established by the United States Veterans Administration, has earned between five hundred dollars and the maximum, irrespective of his disability, he shall also be entitled to the additional one hundred dollars.

Any veteran who is totally disabled, and when such disablement is not a result of service as established by the United States Veterans Administration, shall be included in said 2nd class for priority payment only of any such bonus to which such veteran is entitled to under this act.

Section 3. There is hereby created in the state treasury a fund to be known as the "War Bonus Fund." Funds appropriated thereto by this act shall be paid into the War Bonus Fund and shall be paid out upon warrant of the Commissioner of Finance by order of the Board as a bonus to members of the armed forces of the United States or their next of kin who are qualified to receive a bonus under this act, in accordance with the procedure herein set out. The forms to be provided for the making of the applications shall be in the nature of an affidavit and must be duly sworn to by the applicant and attested to before a notary public or other person authorized to administer oaths. These applications shall be made in triplicate in order that one may be retained by the applicant, one of the board as a part of its permanent records, and one to accompany the order to pay to the state auditor and to be permanently retained by said office. These, and all other forms used in processing of claims and paying of bonuses under this act shall be prepared by the Kentucky Disabled Ex-Service Man's Board and shall contain all the information necessary for the safeguard of the Commonwealth of Kentucky, and in keeping with the true intent and provisions of this act, and shall be submitted to and approved by the Division of Accounts and Control and the Auditor of Public Accounts before said forms are printed and placed in use.

After an application is filed with the board as provided herein and after it has been duly checked, audited and processed by said board and the amount to be paid determined in accordance with the provisions of this act, an order to pay, directed to the state auditor and carrying the name of the person to receive the money, the amount of money to be paid, the date of issue, and such other information as the State Auditor and Division of Accounts and Control shall find to be necessary, shall be duly signed by the chairman of the Kentucky Disabled Ex-Service Men's Board, and shall be delivered to the applicant. The duplicate copy of such order to pay shall be retained in the department and the third copy shall be forwarded to the auditor's office in order that such office will have it to check against when the original orders to pay are ultimately presented.

Section 4. Not later than January 2, 1954 the chairman

of the Kentucky Disabled Ex-Service Men's Board shall certify to the Governor of Kentucky, and to the Department of Finance, the total amount of all claims filed, in order that all monies received and allocated into the War Bonus Fund up to that time, under the methods herein later provided, may be determined by said Department of Finance, and the deficiency or surplus in comparison with the amount determined as necessary to pay all bonuses in full reported to the 1954 regular session of the Kentucky General Assembly, who in case of a deficiency may appropriate the necessary amount, and who in case of a surplus, may designate the application of the surplus. No application for a bonus under this act shall be filed except upon the official forms provided for herein, nor until four months after this act takes effect, the Governor may extend the date for the beginning of filing of claims until January 1, 1952, if in his discretion proper administration requires such extention. All applications for a bonus under this act shall be made to the Board on or before January 1, 1954, and no payments shall be made except upon applications received by the board on or before that date.

Section 5. The Board shall adopt general rules for determining whether an applicant was a resident of this state at the time he entered the service and, by rule, shall prescribe the persons who may execute applications in cases of disability or death and the nature of the proof to be submitted to establish all facts required under any applications filed.

The board shall allow or reject, either in whole or in part, all claims filed under this act. Written notice of any rejection of a claim, either in whole or in part, shall be served on the claimant either personally or by registered mail addressed to the last known address of claimant and deposited in the United States mails. Any claimant whose claim is so rejected may apply for a review of the determination by the board at any time within four months after the service of the notice of rejection and if such application is timely made the determination shall be reviewed by a reviewing officer appointed by the board or by the board itself.

Section 6. All bonus payments under this act shall be ex-

empt from taxation and from levy and sale or execution. Any pledge, mortgage, sale assignment or transfer heretofore or hereafter made of any right, claim, or interest in any such bonus shall be void.

Section 7. (1) The Kentucky Disabled Ex-Service Men's Board shall assist persons entitled to a bonus hereunder in the preparation of their applications and claims therefor and all agencies of the Commonwealth shall cooperate with the board to effectuate the purposes and comply with the provisions of this act.

(2) No agent, attorney or other person shall demand, be entitled to or receive any compensation for his service in prosecuting any claim for any bonus under this act.

Section 8. In case any compensation is payable under this act to a minor or mental incompetent, the compensation shall be paid to the person who is legally constituted his guardian; Provided, however, if there is no such guardian, payment shall be made to the chief administrative officer of any state or federal hospital or institution in which such minor or incompetent is placed where such officer if authorized to accept monies for the benefit of the minor or incompetent.

Section 9. Whoever makes any false or fraudulent statement of a material fact in any application, certificate or document made under the provision of this act or of any regulation made by the board shall be guilty of a felony and upon conviction thereof shall be fined not more than one thousand dollars or imprisoned for any determinate term of not more than two years, or both, at the discretion of the court.

Section 10. Any person who charges or collects or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits to which he is entitled under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred dollars or imprisoned for a term of not than six months, or both, at the discretion of the court.

Section 11. The costs of the administration of this act is

hereby appropriated out of the War Bonus Fund, subject to the approval of the Department of Finance.

Section 12. (1) For the purpose of providing revenue with which to carry out the provisions of this act there is hereby levied on each retail sale of alcoholic beverages a ten per cent tax on the sale price.

(2) The tax hereby imposed shall apply and be collected when the sale is made, regardless of the time when the price is paid or delivered.

(3) The tax imposed by this section shall be paid by the consumer to the vendor in every instance, and it shall be the duty of each vendor to collect from the consumer the full and exact amount of the tax payable in respect to each taxable sale, and to evidence the payment of the tax in each case by cancelling prepaid tax receipts, equal in face value to the amount thereof.

(4) The administration, ascertainment, enforcement and collection of the tax provided for by this act is hereby assigned to the Department of Revenue and authority is hereby given to adopt such rules and regulations not inconsistent with the provisions of this act, and to provide for the method of reporting and paying of the tax.

(5) The tax provided by this act shall expire when the order to the board is made, received, and published, that the War Bonus Fund has been determined adequate.

(6) All funds collected hereunder are hereby appropriated into the War Bonus Fund, after the deduction of the allowable expense of collection.

By Senator McCann.

S. B. No. 79. AN ACT relating to the lighting of the New State Capitol.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The State Property and Buildings Commission shall provide

funds from its appropriation for an outside night lighting system for the New State Capitol similar to that used at the National Capitol.

By Senator Moloney.

S. B. No. 80. AN ACT relating to the compensation of Judges and Commissioners of the court of Appeals, and making an appropriation therefor.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (1) Commencing, as to each position of Judge of the Court of Appeals, when the next regular terms of office respectively begin, the compensation of Judges of the Court of Appeals, payable out of the State Treasury, shall be $12,000 per annum.

(2) Commencing as of July 1, 1952, the compensation payable out of the State Treasury to Commissioners of the Court of Appeals appointed pursuant to KRS 21.150 (1) shall be $8,500 per annum. When the compensation provided for in subsection (1) of this section has become effective as to all Judges of the Court of Appeals, the compensation of the Commissioners shall become $10,800 per annum.

Sec. 2. There hereby is appropriated to the Court of Appeals, out of the General Expenditure Fund in the State Treasury, for the purpose of carrying out the provisions of this Act, the sum of $5,500 for the fiscal year 1952-53 and the sum of $7,000 for the fiscal year 1953-54, supplementing the regular appropriation to the Court of Appeals for salaries.

By Senators Shackelford and Moloney.

S. B. No. 81. AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 21.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Appeals may be taken to the Court of Appeals as a matter of right from all final orders and judgments of circuit courts in civil cases except:

(a) Judgments where the value of the amount or thing in controversy is less than Twenty-Five Hundred Dollars ($2,500.00), exclusive of interest and costs;

(b) That portion of a judgment granting a divorce;

(c) Judgments punishing contempts;

(d) Bonds having the force of judgments.

(2) If the value of the amount or thing in controversy, exclusive of interest and costs, is as much as Two Hundred Dollars ($200.00), the Court of Appeals may grant an appeal from the judgment or final order of a circuit court when:

(a) It is satisfied from the record that the ends of justice require that the judgment appealed from be reversed; or

(b) The correct decision of a case cannot be had without construing a statute or section of the constitution put in issue in the case.

(3) Unless otherwise authorized by statute or code, no appeal shall be taken to the Court of Appeals from any order or judgment of any county, quarterly, police, fiscal or justice's court.

Sec. 2. Section 21.080 of the Kentucky Revised Statutes is amended to read as follows:

When the amount in controversy is as much as Two Hundred Dollars ($200.00), exclusive of interest and costs, and less than Twenty-five Hundred Dollars ($2,500.00), an appeal may be prosecuted upon paying the tax and filing the record in the office of the Clerk of the Court of Appeals in the time and manner provided by law, and entering a motion that the appeal be granted. If the court decides, after an examination of the record, that the appeal should not be granted, the motion shall be overruled without a written opinion.

Sec. 3. The amendments made by this Act shall not apply to appeals granted prior to the effective date of this Act; such appeals shall be governed by KRS 21.060 and 21.080 as they existed prior to the amendments made by this Act.

By Senators Kiser and Sample.

S. B. No. 82. AN ACT relating to liquefied petroleum gas.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act the term "liquefied petroleum gas" means and includes any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them, whether in the liquid or in the gaseous states: Propane, propylene, butane (Normal butane or isobutane), and butylene.

Section 2. No person shall transport in any manner within this state liquefied petroleum gas in containers of a type not approved by the Commissioner of Insurance.

Section 3. (1) Subject to the exceptions provided in subsection (2), no person shall engage, in any of the businesses set out herein without first having obtained from the Commissioner of Insurance the required license or licenses and paid the prescribed fee therefor:

(a) Selling, to the ultimate consumer, of gas containers, or gas regulating equipment for use with liquefied petroleum gas ----------$ 50.00

(b) Assembling, repairing or installing of liquefied petroleum gas containers, or regulating equipment, or connecting appliances to liquefied petroleum gas lines ---$ 50.00

(c) Selling and/or delivering liquefied petroleum gas in prefilled containers (this license does not authorize the filling of containers or delivery by tank truck) ------$ 50.00

(d) Engaging in all the businesses set out in paragraphs (a), (b) and (c), and having not more than five

hundred customers (this license shall be in lieu of the three individual licenses required by paragraphs (a), (b) and (c)) ----------$ 50.00

(e) Engaging in all the businesses set out in paragraphs (a), (b) and (c) and having more than five hundred customers . . . . to be licensed under paragraph (j) which license shall be in lieu of all other licenses.

(f) Storing, for resale, of liquefied petroleum gas in other than I.C.C. containers ----------$100.00

(g) Transporting of liquefied petroleum gas, by tank truck, over the highway of this state ----------$100.00

(h) Delivering of liquefied petroleum gas, to any person, by tank truck, or the delivering, to any person other than the ultimate consumer, in containers, except where the delivering is incidental to the carrying on of a business licensed under paragraph (d) herein ----------$100.00

(i) The filling of liquefied petroleum gas containers ----------$100.00

(j) Engaging in all or any combination of the businesses set out in paragraph (a) to (h), inclusive (this license shall be in lieu of all individual licenses required herein ----------$100.00

(2) No person shall be required to obtain a license in order to engage in the following activities concerning liquefied petroleum gas:

(a) Storage, by the ultimate consumer, for consumption only.

(b) Transportation, by the ultimate consumer, in quantities of ten gallons or less.

(c) Handling in quantities of less than one gallon U. S. water capacity, where the gas is an integral part of a device for its utilization.

(d) Use as a fuel, while in the fuel tank of a motor vehicle.

(3) Any person engaged in any business for which a license is required under the provisions of subsection (1) and who engages in such business at more than one office or place of business in this state shall obtain a separate license for each such office or place of business and shall pay therefor the required license fee; except that for the purpose of issuance of licenses under paragraphs (e) and (i) of subsection (1) all facilities for the storage of liquefied petroleum gas for resale within a radius of twenty miles of an office or place of business shall be considered a part of such office or place of business and shall not require separate licensure.

Section 4. (1) The license required under Section 3 shall be issued on a calendar year basis and shall be procured from the Commissioner of Insurance prior to the time of beginning business. All licenses and renewals thereof shall expire on December 31 of each year.

(2) Any person applying for a license after July 1 of any year shall be required to pay therefor only one-half of the applicable fee for that calendar year.

(3) Every person licensed under the provisions of this Act who desires to continue in business shall, during January of each year, procure from the Commissioner of Insurance a renewal license for which he shall pay a fee equal to the original license fee. Failure to procure a renewal license prior to January 31 of the year for which it is issued shall result in the imposition of a penalty equal to twenty per cent of the renewal fee which shall be paid to the Commissioner of Insurance in addition to the renewal fee.

Section 5. The Commissioner of Insurance, after a public hearing thereon, shall make, promulgate and enforce regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied gases, and specifying the odorization of said gases and the degree thereof. Said regulations shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such

materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Section 6. It is hereby declared that regulations in substantial conformity with the published standards of the National Board of Fire Underwriters for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases as recommended by the National Fire Protection Association shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Section 7. All moneys collected under the provisions of this Act shall be paid into the State Treasury and credited to a trust and agency fund to be used by the Department of Insurance solely for the administration and enforcement of this Act.

Section 8. After having been given notice to cease and desist and ten days' time in which to correct the violation, any person who continues to violate any of the provisions of this Act, or any of the rules and regulations promulgated thereunder, shall be fined not less than twenty-five nor more than two hundred dollars.

Section 9. Sections 234.010 to 235.050 and 234.990 of the Kentucky Revised Statutes are repealed.

Section 10. This Act shall take effect on January 1, 1953.

By Senators Freeman and Hoffman.

S. B. No. 83. AN ACT relating to Teachers' Retirement, amending 161.220, subsection (10), and subsection (11), KRS, redefining "Annual Salary" and "Annual Compensation;" amending 161.540, KRS, increasing percentage of members' contribution one per cent in each age bracket; amending 161.620, subsection (1) and subsection (2), KRS, increasing the retirement allowance and the maximum; and providing for appropriations to make effective said amendment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (10) of Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

"Annual Salary" means the average annual salary which the member has received for his service as a teacher in the public schools of Kentucky for five years or for as many years if less than five, prior to July 1, 1941, except that any salary which exceeds two thousand dollars shall be considered two thousand dollars; and during the five years or for as many years if less than five years, immediately preceding retirement by reason of superannuation or disability, except that any salary which exceeds two thousand dollars in any year prior to July 1, 1946, shall be considered two thousand dollars and any salary for any year subsequent to July 1, 1946, and prior to the effective date of this Act, which exceeds two thousand four hundred dollars shall be considered two thousand four hundred dollars and any salary subsequent to the effective date of this Act which exceeds three thousand six hundred dollars shall be considered three thousand six hundred dollars.

Section 2. Subsection (11) of Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

"Annual Compensation" means the contractual salary and additions thereto received by a member as compensation for his service as a teacher in the public schools of Kentucky during a given fiscal year before any deductions, except that any such compensation that exceeds three thousand six hundred dollars shall be considered as three thousand six hundred dollars only.

Section 3. Section 161.540 of the Kentucky Revised Statutes is amended to read as follows:

Each member whose age on the first day of any current scholastic year is less than thirty years shall contribute to the Retirement System three per cent of his annual compensation. Each member whose age on the first day of any current scholastic year is thirty years and less than forty years shall contribute to the Retirement System four per cent of his annual compensation. Each member whose age is forty years or more on the first day of any current scholastic year shall contribute

to the Retirement System five per cent of his annual compensation. The contribution of a member shall not exceed his percentage, determined by his age, on his current annual compensation and no contribution shall be made on the excess of annual compensation over three thousand six hundred dollars.

Section 4. Subsections (1) and (2) of Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

Subsection (1) The retirement allowance of the member retiring for superannuation whose age of retirement is seventy years shall be one per cent of his average annual prior service salary (as defined) for each year of prior service credit plus one and one-half per cent of his average annual salary for each year of subsequent service between the years 1941 and the effective date of this Act, plus a percentage in excess of one and one-half per cent, to be determined by the Actuary of the System and approved by the Board of Trustees, said determined percentage to be taken of his annual subsequent service salary (as defined) for the years after the effective date of this Act. The retirement allowance of a member retiring for superannuation whose age at time of retirement is less than seventy years shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age seventy will purchase as of the actual age of retirement of the member, according to the actuarial table in use by the System. Retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to one at age seventy. Said factors shall be determined by the Actuary of the Retirement System and approved by the Board of Trustees.

Subsection (2) For any member retiring on or after the effective date of this Act, no retirement allowance shall be greater than one thousand eight hundred dollars.

Section 5. In order to carry out the purposes of 161.540 as hereby amended by matching the increase in the members' contributions thereunder, there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of $500,000.00 for the fiscal year 1952-53 and the sum of $500,000.00 for the fiscal year 1953-54.

Section 6. This Act shall become effective July 1, 1952.

Ordered that said bills be printed and referred.

REFERRAL OF SENATE BILLS AND A RESOLUTION

Senator Moloney, Chairman of the Committee on Committees, announced that the following bills and a resolution had been referred, viz:

S. B. No. 62, No. 65	—Agriculture and State Fair
S. B. No. 58	—Education
S. B. No. 71	—Fish and Game
S. B. No. 63, No. 66, No. 73, No. 75, No. 77	—Judiciary and Judicial Council
S. B. No. 76	—Kentucky Statutes No. 1
S. Res. No. 7 and S. B. No. 59, No. 60, No. 68, No. 69, No. 70, No. 72, No. 74	—Kentucky Statutes No. 2
S. B. No. 61	—Motor Vehicles, Commerce and Common Carriers
S. B. No. 64, No. 67	—Municipalities
S. B. No. 57	—Public Health
S. B. No. 56	—Regulation of Intoxicating Liquors

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 6. AN ACT relating to Offenses against Property by Fraud, amending Section 434.070 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 24. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restrictions on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

S. Res. No. 5. A JOINT RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

Ordered that said resolution be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 12. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies and other state supported activities, and declaring an emergency to exist.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Archie Craft	James P. Hanratty
Bernard J. Bonn	Martin J. Duffy	Doug Hays
Eugene H. Clark	Ernest M. Ford	Stanley Hoffman
Augustus Cornett	Wayne Freeman	Dr. J. E. Johnson
Louis Cox	Julian Golden	Alvin Kidwell

Bert Kiser	Richard P. Moloney	Paul Stapleton
James Lassiter	O. W. Montgomery	Otis C. Thomas
Homer E. Losey	Freeman Robinson	Wendell Van Hoose
C. W. A. McCann	William J. Sample	Sylvester Wagner
James R. Mansfield	Clay Shackleford	Ed P. Warriner
Earl F. Martin	Leon Shaikun	John M. Williams
Strother Melton	Cortis K. Stacy	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 1. AN ACT relating to bribery of participants in professional or amateur games, sports, contests and horse racing.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warriner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now recess for five minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the Senate was called to order by the Speaker of the House, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

REPORTS OF COMMITTEES

Senator Montgomery, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 38. AN ACT relating to mechanics' and material men's liens.

With the expression of opinion that said bill should pass,

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Shackelford, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported bills of the following titles, viz:

S. B. No. 11. AN ACT to amend Section 23.050 Kentucky Revised Statutes 1950 Edition in so far as it relates to the time of holding the terms of Circuit Courts in the 36th Judicial District, Composing the Counties of Knott and Magoffin.

S. B. No. 21. AN ACT relating to the time for holding sessions of circuit court in the thirty-seventh Judicial District.

S. B. No. 45. AN ACT relating to the time of holding the regular terms of court for the eighth circuit court district, composed of Allen and Warren Counties.

With the expression of opinion that said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 17. AN ACT abolishing the position of deputy constable, except in counties containing a city of the first or second class.

With the expression of opinion that said bill should pass with committee amendment, which is as follows, viz:

COMMITTEE AMENDMENT TO SENATE BILL NO. 17.

By striking Section 3 and substituting in lieu thereof a new section, to be known and called Section 3, to read as follows:

(3) In counties containing a population of over two hundred and fifty thousand, each deputy constable ap-

pointed by the constable shall be exclusively compensated for the performance of the duties of his office by a salary of twenty-one hundred dollars per annum and paid in equal monthly installments out of the county treasury.

Whereupon said bill, with said amendment, was read at length for the first time and

Ordered placed in the Calendar.

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred reported a bill of the following title, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

With the expression of opinion that said bill should pass with committee amendments, which are as follows, viz:

COMMITTEE AMENDMENT NO. 1 TO THE SENATE BILL NO. 50

By striking from line 9 and 10 on page 1 of the printed bill and page 2, line 11 of the printed bill the following language: "The term 'Hospital' includes nursing and convalescent homes and all institutions for the care of the sick."

COMMITTEE AMENDMENT NO. 2 TO SENATE BILL NO. 50

On the first page thereof by inserting after the word "place" on line 6 of the printed bill the following: ", including nursing and convalescent homes and all institutions for the care of the sick."

COMMITTEE AMENDMENT NO. 3 TO SENATE BILL NO. 50

By inserting after the word "provided" on Page 11, Line 158 of the printed bill "in any hospital,"

Whereupon said bill, with said amendments, was read at length for the first time and

Ordered placed in the Calendar.

Senator Moloney moved that the Senate, out of respect to Major General Edgar Erskine Hume, U.S.A., Frankfort, who died this morning in Washington, D. C., do now adjourn until 8 P.M., Monday, January 28, 1952.

Said motion was agreed to.

And then the Senate adjourned.

MONDAY, JANUARY 28, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend W. B. Campbell, of the Methodist Church of Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warriner
Doug Hays	Richard P. Moloney	John M. Williams
Thomas Hines	O. W. Montgomery	E. V. Withers

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The following Senators were absent—

Jas. Hanratty	Jack R. Reynolds	—2

Senator Montgomery moved that the reading of the Journal

of the Senate of the proceedings of Thursday, January 24, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

The Clerk of the Senate read the following communication from the secretary of Her Royal Highness, Princess Elizabeth, viz:

CLARENCE HOUSE
St. Jame's
3rd January 1952

Dear Senator McCann:

Her Royal Highness the Princess Elizabeth has asked me to write to you to give you her sincere thanks for the gift of a plaster cock which you sent to her when she was in Washington.

The Princess is delighted to accept this gift, and is most grateful for the kind thought which prompted you to send it to her.

Yours sincerely,
Martin Chartein
Private Secretary to
The Princess Elizabeth

Senator C. W. McCann
5709 Southland Boulevard,
Louisville, Kentucky
U. S. A.

Senator Moloney moved that said communication be spread upon the Journal.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Cox.

S. B. No. 84. AN ACT amending Section 271.445 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 271.445 of the Kentucky Revised Statutes be amended by repealing said section in its entirety and enacting in lieu thereof the following:

"271.445 *Amendment of Articles of Incorporation.* (1) A corporation may, at a meeting of the shareholders duly called upon notice of the specific purpose, and in the manner provided in this section and in KRS 271.450 and 271.455, amend its articles in any respect so as to include any provision authorized by this chapter, or so as to add to its corporate purposes or to diminish the same, or both, or substitute other purposes in whole or in part for those prescribed in the original articles or any previous amendment thereto, or so as to extend the period of its duration for a further definite time or perpetually. Provided, however, that an amendment to the articles of incorporation of any corporation whose original period of duration shall have expired subsequent to July 1, 1949, the only effect of which is to extend the period of such corporation's duration, may be made within three years after the expiration of the period of its original duration; and provided further that no such amendment may be made after the expiration of the period of the corporation's original duration unless it continuously has engaged in the usual course of its business and has taken no steps toward dissolution or winding up its affairs previous to the filing of the amended articles. Any such amendment made after the expiration of the original life of the corporation may be rendered retroactive to, and effective as of, the date of the expiration of its original period of duration, and shall have the effect of ratifying and validating all intervening acts of the corporation if a pronouncement to that effect be incorporated in the amended articles.

"(2) An amendment of the articles of incorporation may be adopted by vote of the holders of a majority of the voting power of all shareholders entitled to vote or by such vote as the articles of incorporation may require, which shall not be less than the vote of the holders of a majority of such voting power.

"(3) If an amendment would alter or change the preferences, special rights or powers given to the holders of shares of any class or classes so as to affect the same adversely, or would increase the number of or would increase or decrease the par value of shares of any class or classes, then the holders of each class of shares so affected by the amendment shall be entitled to vote as a class upon such amendment, whether by the terms of the articles of incorporation such class be entitled to vote or not, and, in addition to the vote required by subsection (2) of this section, the vote of the holders of two-thirds of the shares of each class so affected by the amendment shall be necessary to the adoption thereof.

"(4) The incorporators by signing and acknowledging articles of amendment as provided in KRS 271.450 may adopt an amendment to the articles of incorporation prior to the receiving of any subscriptions for shares, except those subscriptions required to be stated in the articles of incorporation."

By Senator Moloney.

S. B. No. 85. AN ACT relating to control of Black Shank and other diseases of tobacco and to appropriate money for that purpose.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky Agricultural Experiment Station shall carry on and extend the present program in the field of tobacco breeding, research and education for the control of black shank and other diseases in tobacco. For this purpose there shall be available to the Kentucky Agricultural Experiment Station, such sums as may, from time to time, be appropriated by the General Assembly for the purpose.

Section 2. For the purposes of this act, there is hereby appropriated to the Kentucky Agricultural Experiment Station out of the General Expenditure Fund of the State Treasury, the sum of $60,000 per year for each of the fiscal years 1952-53 and 1953-54; without lapse in the year 1952-53.

By Senator Moloney.

S. B. No. 86. AN ACT relating to the powers of the governing bodies of the state institutions of higher education, the limitations on salaries payable, and related matters.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Anything in any statutes of the Commonwealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions and official relations of all employees of the University of Kentucky, as provided in KRS 164.220, and, subject to any restrictions imposed by general law, the retirement ages and benefits of such employees, shall be under the exclusive jurisdiction of the Board of Trustees of the University of Kentucky, which shall be an independent agency and instrumentality of the Commonwealth.

Section 2. Anything in any statute of the Commonwealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions, and official relations of all employees of Eastern Kentucky State College, Western Kentucky State College, Murray State College, and Morehead State College, as provided in KRS 164.350 and 164.360, and of Kentucky State College for Negroes, shall be under the exclusive jurisdiction of the respective governing boards of each of the institutions named.

Section 3. Kentucky Revised Statutes, Sections 156.010 and 64.640, and any other statute, to the extent that they provide that the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, and Morehead State College shall be included in the Department of Education and constitute a division thereof, are hereby repealed.

Section 4. The maximum annual salary payable out of the State Treasury for the offices and positions of President of the

University of Kentucky, President of Eastern Kentucky State College, President of Western Kentucky State College, President of Murray State College, President of Morehead State College, and President of Kentucky State College for negroes, shall be $9,000, and KRS 64.650 shall be applicable to subordinate positions.

Section 5. None of the provisions of KRS 42.110, 42.120 or 42.130 shall be applicable to the officers and employees of the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College, or Kentucky State College for Negroes.

By Senator Cox.

S. B. No. 87. AN ACT to amend sub-section (c) of Section 3 of Senate Bill No. 1, passed by the General Assembly of the Commonwealth of Kentucky at its extraordinary session, 1951, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sub-section (c) of Section 3 of Senate Bill No. 1, passed by the General Assembly of the Commonwealth of Kentucky at its extraordinary session, 1951, be amended by repealing said sub-section and re-enacting it to read as follows:

"Such agreement or modification of such agreement shall be effective with respect to services performed after an effective date specified in the agreement or modification thereof, but in no case prior to January 1, 1951, and in no case (other than in the case of an agreement or modification agreed to prior to January 1, 1953) prior to the first day of the calendar year in which such agreement or modification, as the case may be, is agreed to by the Federal Security Administrator and the Commonwealth.

"WHEREAS, many cities of the state are compelled by law to adopt their budgets and fix their tax rates before May 1st of every year and some of said cities may want to enter into an agreement or modification with the Commonwealth before that

time, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor."

By Senator Doug Hays.

S. B. No. 88. AN ACT relating to alcoholic beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) All the terms used in this Act which are defined in KRS 241.010 shall have the same meaning as given them in that section except that "alcoholic beverages" shall not include "malt beverages" as defined therein.

(2) As used in this Act, unless the context requires otherwise:

(a) "Package liquor" means any alcoholic beverage, as defined in subsection (1) in any closed or sealed container or receptacle used for holding alcoholic beverages.

(b) "State Store" means a State Liquor Store established and operated by the board under the provisions of this Act for the sale of package liquors for consumption off the premises.

Section 2. No person shall sell, possess for sale, transport or distribute package liquors in this state except in accordance with the provisions of this Act.

Section 3. Package liquors shall be sold at wholesale and retail in this state only by and through state liquor stores.

Section 4. This Act shall be administered by the Department of Alcoholic Beverage Control and the Kentucky Alcoholic Beverage Control Board created, respectively, by KRS 241.015 and 241.030. In addition to the functions, powers and duties set out in KRS Chapters 241, 242, 243 and 244, the board shall have the following functions, powers and duties:

(1) Make rules and regulations necessary for the administration of this Act.

(2) Sign and execute in the name of the board any contract or agreement authorized by this Act.

(3) Obtain by lease or agreement, after receiving competitive bids, lands and buildings required for the purposes of this Act. All leases and agreements shall contain a condition whereby such leases or agreement shall terminate and all liability of the board thereunder shall cease and determine, should the sale of alcoholic beverages be prohibited in the territory where located. Nothing herein contained shall empower the board to acquire title to any real estate, except that with the approval of the Governor the commission may purchase real estate for the purpose of one warehouse to be centrally located, the title to which shall be taken in the name of the Commonwealth.

(4) Purchase or lease as provided by law all equipment necessary for the administration of this Act.

(5) Invoke any legal or equitable remedies for the enforcement of the orders of the board or the provisions of this Act.

Section 5. (1) No member of the Board shall have a personal interest in or derive any gain from an enterprise or industry engaged in the manufacture, sale or use of alcoholic beverages. (2) In addition to any other bonds required, each member of the board shall give bond in the penal sum of twenty-five thousand dollars, to be approved by the Governor and conditioned upon the faithful performances of their duties. The bond shall be filed with the Secretary of State.

Section 6. (1) The sale of package liquors at wholesale and retail in this state shall be a state monopoly.

(2) The board may sell package liquors at wholesale to such persons authorized to purchase at wholesale.

Section 7. (1) The board shall establish state stores at places throughout the state so as to serve adequately and reasonably the demand for sale at wholesale and retail of package liquor, subject to the restriction that no state stores shall be operated in territory designated as "dry" under the provisions of KRS Chapter 242.

(2) A state store shall not be located in the immediate vicinity of a church or school.

Section 8. (1) The board shall establish and manage as many warehouses as may be necessary, but not more than eight, for the storage of package liquors and the supply of state stores.

(2) The board shall appoint a manager for and assign employes to each state store. The manager shall be responsible to the board for the conduct and operation of the store.

(3) The board shall issue appropriate rules and regulations to governor the conduct of state stores.

(4) The board shall, from time to time, fix uniform prices for each variety, class and brand of package liquors offered for sale in state stores. Package liquors shall be sold in state stores only at the uniform prices fixed by the board.

(5) The board shall prepare price lists showing the price of each variety, class or brand. Price lists shall be posted prominently in each store and shall be available for distribution and inspection in every state store.

(6) The board, with the approval of the Commissioner of Finance, shall install a uniform system of records and accounts for state stores. It shall require a daily report of sales and stock inventory, and shall audit the accounts and check the stock inventory of each store at least once in every thirty days.

(7) The board shall prescribe a method of stock or inventory control that will show the amount of each variety, class and brand of package liquor on hand in each state store and warehouse at any time.

(8) The board shall fix the days on which state stores shall be open and the hours of opening and closing. State Stores shall not be open on Sundays or during the time the polls are open on any general, primary or special election day.

Section 9. A state store shall not display any alcoholic beverage or display or distribute any advertising matter, nor shall a person employed in a State Store advertise, display or recommend any type, class or brand of alcoholic beverages, nor

shall he discuss or comment upon the relative merits of any such beverages.

Section 10. (1) The board shall acquire, by purchase or lease, equipment, materials, supplies and other property necessary for the operation of state stores in the manner required for the purchase or lease of property by other state departments. This requirement shall not apply to the purchases of alcoholic beverages for sale or to the leasing of premises for state stores or warehouses.

(2) The board shall require a sworn statement with the delivery of package liquors purchased by it that the goods are as represented, and do not contain any impure or deleterious matter. The board shall by frequent chemical analysis determine that package liquors offered for sale in state stores are pure, potable, and not misrepresented.

Section 11. (1) In order to avoid the accumulation of excessive stocks in warehouses and stores, the board shall so plan its purchases of package liquors for sale in state stores that the stock on hand at any time does not exceed the estimated requirements for sixty days' sales.

(2) The board may, with the consent of the Governor, contract for the manufacture of package liquors for sale in state stores. Such liquors shall bear a special designation as a "state brand."

Section 12. A manufacturer of package liquor offered for sale in state stores shall attach to each bottle a special label bearing an accurate description of the contents of the bottle in such form and detail as the board may require, and bearing such other seals and labels as the board may require.

Section 13. The following funds are created in the State Treasury for the purpose of this Act:

(1) The operating fund, which shall be a revolving fund from which all expenses of operation and administration shall be paid except those authorized to be paid from the reserve fund.

(2) The reserve fund, which shall be a reserve for con-

tingencies and depreciation. This fund may be used for (a) the purchase of equipment and other property having a useful life of more than one year from date of purchase, and (b) transfer to the operating fund to meet unusual requirements arising in the course of business. Transfers from the reserve fund to the operating fund shall be made as follows: The board shall recommend such transfer to the Governor and the Governor shall draw the requisition if he approves the transfer. Moneys in the reserve fund not needed for cash reserve shall, with the approval of the Governor, be invested by the State Treasurer in obligations of the United States, of this State, or any of its subdivisions.

Section 14. All moneys collected by the board shall be credited to the operating fund until that fund reaches an amount sufficient for the current and routine requirements of the department under this Act, this amount to be fixed by the board with the approval of the Governor, and not to exceed at any time the sum of six hundred fifty thousand dollars. The receipts in excess of the requirements of the operating fund shall be paid into the reserve fund until the amount of the reserve fund equals three hundred fifty thousand dollars. Receipts in excess of the requirements of the operating and reserve funds shall be paid into the General Fund of the State Treasury.

Section 15. The sale of package liquors in state stores shall be for cash only.

Section 16. Not more than one gallon of package liquor shall be sold to a person at one time; but a sale in excess of one gallon may be made to a person authorized to purchase at wholesale, and to a religious organization purchasing wine for sacramental purposes.

Section 17. Package liquors shall not be sold to a person who is:

(1) Less than twenty-one years of age;

(2) An habitual drunkard;

(3) Intoxicated;

(4) Addicted to the use of narcotic drugs; or

(5) Mentally incompetent.

Section 18. A person, while on the premises of a state store, shall not:

(1) Break the seal upon any package liquors;

(2) Consume alcoholic beverages; or

(3) Loiter.

Section 19. Wherever in KRS 241.242, 243 and 244 the word "wholesaler" appears it shall mean "The Department of Alcoholic Beverage Control."

Section 20. The provisions of KRS 243.710 to 243.870 shall not apply to package liquors purchased and sold through the state stores by the Department of Alcoholic Beverage Control.

Section 21. Subsequent to the effective date of this Act no license for the sale of package liquors at retail shall be issued, and all existing statutes authorizing or contemplating the issuance of such licenses are hereby superceded.

Section 22. In order to place this Act in effective operation, there is hereby advanced to the Department of Alcoholic Beverage Control, out of the General Expenditure Fund in the State Treasury, for the fiscal year 1952-53, the sum of six hundred and fifty thousand dollars, such sum shall be credited to the operating fund provided for in Section 13 and shall become a part of such fund and remain available for expenditure as provided in that section, except that when a sufficient sum has been accumulated by the board, out of operating receipts, to meet the requirements of section 14, the sum so advanced shall be repaid to the General Expenditure Fund.

Section 23. Any person violating the provisions of section 2 shall be fined not less than fifty dollars nor more than five thousand dollars or imprisoned for not less than thirty days nor more than two years, or both.

Section 24. Section 244.380 to 244.470 of the Kentucky Revised Statutes are repealed.

Section 25. In order to give present retail and wholesale licenses an opportunity to dispose of their stocks and close their

businesses, this Act shall not take effect until July 1, 1953, except such portions of the Act as are necessary to enable the board to prepare for the effective operation of the state monopoly on package liquors beginning as of July 1, 1953, including the purchase of the necessary stocks and the acquisition of the necessary personnel and facilities; as to such portions this Act shall take effect on July 1, 1952.

By Senator McCann.

S. B. No. 89. AN ACT repealing, amending and re-enacting section 436.480 of the Kentucky Revised Statutes; repealing, amending and re-enacting Section 436.490 of the Kentucky Revised Statutes, and enabling cities of the first class to license places, buildings and premises where wagers of money or anything of value are made on a horse race run within or without the State, and enabling said cities to impose license fees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. That section 436.480 of the Kentucky Revised Statutes be repealed, amended and re-enacted so that when repealed, amended and re-enacted it will read as follows:

KRS 436.440 to 436.470, inclusive, shall not apply to enclosures during regular race meetings or enclosures at which horse racing is being conducted under license from the State Racing Commission, or to enclosures during regular race meetings in which trotting and pacing races are being conducted by associations regularly organized for that purpose, or to any person or places licensed by the Director of Wagers hereinafter created by this Act.

Section II. That Section 436.490 of the Kentucky Revised Statutes be repealed, amended, and re-enacted so that when repealed, amended, and re-enacted it will read as follows:

1. Any person who, either for himself or as an agent or an employee of another wagers money or anything of value on horse races run or about to be run or advertised, posted or reported as being run at any race track in or out of this state, or who engages

in any occupation of receiving, making, transmitting, or negotiating, either in person or by messenger, telephone or telegraph, wagers on horse races run or about to be run or advertised, posted or reported as being run or about to be run in any race track in or out of this state shall, except as hereinafter provided in this act, be deemed guilty of a felony and imprisoned for not less than one nor more than five years.

2. Any persons licensed by the State Racing Commission during an authorized race meeting at a track in the State of Kentucky to take wagers made within the enclosure of the race track during a regular meeting, of running, trotting or pacing races, are exempted from the penalties imposed by Section I of this Act, unless violating the other provisions of this Act.

3. Any person licensed by the Director of Wagers on racing under the provisions of this Act and not taking such wagers within the enclosure during regular meetings in which running, trotting, and pacing races are being conducted, and such places of business taking such wagers being within cities of the first class are exempted from the penalties provided in Section I of this Act.

4. There is hereby created a Director of Wagers of running, trotting and pacing races in the Commonwealth of Kentucky. The Director of Wagers shall be appointed by the Governor of the Commonwealth of Kentucky for a term of four years and his salary shall be $5,000.00 per year, and such Director, with the approval of the Governor, shall employ such field representatives, clerks and clerical assistants as are required to administer, police and regulate the provisions of this Act.

5. The Director of Wagers shall have the following powers, functions and duties: (a) To adopt reasonable regulations governing the procedure relative to applications for and revocations of licenses and relative to all other matters consistent with the provisions of this Act. (b) To impose license fees based upon the gross amount of the wagers made annually in individual cases but in no event shall the amount of the license fee be less than $1,000.00 per year or more than $3,000.00 per year. (c) To make all rules and regulations necessary to regulate the wagering of money upon horse racing outside of en-

closures licensed by the State Racing Commission. (d) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath, and require the production of any books or papers relative to the inquiry, regardless of whether witnesses are or are not licensees. (e) To conduct hearings and to grant, suspend, revoke or cancel, for causes, after a hearing, any license provided for in this Act.

6. All revenues collected as a result of licenses set forth in this Act, after the deduction of expenses necessary for the operation of the Office of the Director of Wagers, shall be paid to the Secretary and the Treasurer of the Sinking Fund of the City of the first class and said revenue shall be used and administered according to Section 91.200 KRS.

7. All laws or parts of laws inconsistent herewith are hereby repealed.

8. If any section of this act should be declared unconstitutional, null and void, it shall not effect the remainder of the Act, it being the intent and purpose of the members of the Legislature that the sections of this ACT are severable.

By Senator Duffy.

S. B. No. 90. AN ACT relating to the use of business records as evidence and to make uniform the law relating thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (Definition.) The term "business" shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.

Section 2. (Business Records.) A record of an act, condition or event, shall, in so far as relevant, be competent evidence if the custodian or other qualified witness testified to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition or event, and if, in the opinion of the court, the sources of informa-

tion, method and time of preparation were such as to justify its admission.

Section 3. (Uniformity of Interpretation.) This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 4. (Short Title.) This act may be cited as the Uniform Business Records as Evidence Act.

Section 5. (Repeal.) All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Section 6. (Time of Taking Effect.) This act shall take effect July 1, 1952.

By Senator Duffy.

S. B. No. 91. AN ACT relating to use of photographic copies of business and public records as evidence.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection

under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

SECTION 2. This act shall be so interpreted and construed as to effectuate its general purpose of making uniform the law of those states which enact it.

SECTION 3. This act may be cited as the Uniform Photographic Copies of Business and Public Records as Evidence Act.

SECTION 4. All acts or part of acts which are inconsistent with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect July 1, 1952.

Ordered that said bills be printed and referred.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 17. AN ACT abolishing the position of deputy constable, except in counties containing a city of the first or second class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection,

and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 38. AN ACT relating to mechanics' and materialmen's liens.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 21. AN ACT relating to the time for holding sessions of circuit court in the thirty-seventh Judicial District.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as

to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 11. AN ACT to amend Section 23.050, Kentucky Revised Statutes, 1950 Edition, in so far as it relates to the time of holding the terms of the Circuit Courts in the 36th Judicial District, composing the counties of Knott and Magoffin.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 45. AN ACT relating to the time of holding the regular terms of court for the eighth circuit court district, composed of Allen and Warren Counties.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

Senator Moloney moved that S. Res. No. 5 be taken from the Orders of the Day and placed in the order for passage.

Said motion was agreed to.

Thereupon the Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

S. Res. No. 5. A JOINT RESOLUTION petitioning Congress to provide for the canalization of the Big Sandy River.

Senator Moloney moved the adoption of said resolution.

Said motion was agreed to.

And thereupon said resolution was adopted.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 6. AN ACT relating to Offenses against Property by Fraud, amending Section 434.070 of the Kentucky Revised Statutes.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 24. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restrictions on ad valorem tax for sinking fund pur-

poses; issuance and enforcement of licenses; and declaring an emergency to exist.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Tuesday, January 29, 1952.

Said motion was agreed to.

And then the Senate adjourned.

TUESDAY, JANUARY 29, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend James W. Cox, Memorial Baptist Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Alvin Kidwell	William J. Sample
Eugene H. Clark	Bert Kiser	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	C. W. A. McCann	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines		

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The following Senators were absent—

Jas. P. Hanratty	Jack R. Reynolds	Otis C. Thomas
Dr. J. E. Johnson		

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Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings of Monday, January 28, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed a bill of the following title, viz:

H. B. No. 21. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.200 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The Board of Aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding, or exhibiting of any animal, article, or other thing. License fees on such business, trade, occupation or profession for revenue purposes shall be imposed at a rate not to exceed one percent (1%) of (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city, and (b) the net profits of all businesses, professions, or occupations from activities conducted in the city. Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax

shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state, or in other case where the city is prohibited by statute from imposing a license tax.

(2) License fees or taxes shall be collected by the Commissioners of the Sinking Fund. The proceeds from such taxes shall be paid to the Secretary and Treasurer of the Sinking Fund until income from all sources of the Sinking Fund shall be sufficient to pay the costs of administration and the interest charges for the current fiscal year of the Sinking Fund, in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(3) Revenues remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the General Fund of the city as received until such receipts during the fiscal year of the city shall reach the sum of Three Million Seven Hundred and Fifty Thousand Dollars ($3,750,000.00). Any revenues in excess of said amount received during the fiscal year of the city shall be placed in an account designated "Special Capital Fund Account" and expended for capital improvements as hereinafter defined. Provided, however, twenty-five percent (25%) of the revenues so deposited to such Special Capital Fund Account during the fiscal year commencing next following the effective date of this Act, or any lesser amount remaining in said Fund at the end of said fiscal year, may be transferred to the General Fund of the city at the beginning of the fiscal year thereafter. After the initial division of said portion to the General Fund, twenty-five percent (25%) of the revenues so deposited to the Special Capital Fund Account during each fiscal year of the city, or any lesser amount remaining in said Fund at the end of said fiscal year, may be transferred to the General Fund of the city at the beginning of the succeeding fiscal year; provided further that funds from the Special Capital Fund Account may be encumbered for purposes other than capital improvements only after transfer to the General Fund.

(4) The term "Capital Improvements" as used herein shall refer to lands or buildings and structures, or either or both, but shall be limited to additions or improvements of a substantial and permanent nature and shall include but not be limited to the purchase of rights-of-way for highways and expressways, the purchase of lands for park and recreational purposes and and for public off-street parking facilities, the purchase or construction of municipal buildings, and the renovation and initial equipment of any newly acquired facility, wherein any essential governmental function of the municipality may be located or carried on, and for the purchase and installation of traffic control devices. The term "capital improvements" as used herein shall not include the maintenance of existing streets or other public ways except that the purchase of rights-of-way for widening of existing streets shall be considered a capital improvement as herein defined.

(5) Ad valorem taxes for the benefit of the Sinking Fund shall not be levied unless the income of the Sinking Fund is otherwise insufficient to meet such requirements.

(6) Licenses shall be issued and enforced on such terms and conditions as may be prescribed by ordinance.

Section 2. Whereas, revenues from licenses in cities of the first class are available to the extent contemplated in this Act; and, whereas, under the present law a large portion of such revenues are allocated for special purposes for which such cities have not present use; and whereas such cities are in immediate need of unallocated funds for general uses, as provided by this Act, an emergency is hereby declared to exist, and this Act shall be effective immediately upon its passage and approval by the Governor.

Ordered that said bill be printed and referred.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, of the Committee on Enrollment, to which same had been previously referred, reported that said committee had examined and found to be correctly enrolled a bill of the following title, viz:

H. B. No. 12. AN ACT relating to appropriations for the operation, maintenance, support and functioning of the Government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies and other state supported activities, and declaring an emergency to exist.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bill to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

At this point, the President of the Senate, Hon. Emerson Beauchamp, vacated the chair, which was assumed by the President Pro Tem, Senator Cox.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution of the following titles were introduced, viz:

By Senator Losey.

S. Res. No. 8. A JOINT RESOLUTION authorizing John M. Shepherd of Stearns, McCreary County, Kentucky, to sue the Commonwealth of Kentucky and the Kentucky State Hospital, Boyle County, Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, the Commonwealth of Kentucky, for the purpose of treating and confining mental patients, established the Kentucky State Hospital, Boyle County, Kentucky, and

WHEREAS, John M. Shepherd, Stearns, McCreary County, Kentucky, was on or about October 29, 1950, employed as an attendant at the said Kentucky State Hospital and while working

an an attendant in said Hospital on or about May 28, 1951, at about 4:00 o'clock, A. M., in ward Number 26, a violent, deranged mental patient began fighting, beating and crippling other patients in said ward and at said time and place, John M. Shepherd, an elderly man of sixty-one years of age, attempted to restrain the mental patient in such violent rage, and

WHEREAS, there were no other attendants on duty and no employees assigned to said ward, the said Shepherd took hold of the raging mental patient for the purpose of restraining said patient, and the said Shepherd was thereby thrown upon the floor in said ward and beaten and injured by said patient, and

WHEREAS, John M. Shepherd, the said attendant, did there and then receive a broken hip, a compound fracture which required a six-inch silver plate to repair, and

WHEREAS, the said John M. Shepherd was not furnished any hospitalization by the Commonwealth of Kentucky, and by reason of his injuries, he incurred medical and doctor bills in the cities of Danville and Lexington, Kentucky, and

WHEREAS, the said injuries have left him a permanent cripple and caused him to lose his wages for many months and will greatly impair his earning capacity hereafter, and

WHEREAS, the Commonwealth of Kentucky does not have any Workmen's Compensation from which the said Shepherd may revice benefits, and he has not been paid anything for his medical and doctor expenses or anything for loss of his wages or for the permanent impairment of his earning power, and

WHEREAS, great damage has resulted to his family, all of which was brought about as a result of his injuries which he sustained in rendering a valuable public service in the employment of the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That John M. Shepherd of Stearns, McCreary County, Kentucky, be and is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Kentucky State

Hospital, either or both of them, in the Boyle Circuit Court for such damages as he may have suffered and sustained by reason of his injuries, and upon the trial of said cause, if it should be proven that John M. Shepherd was injured at a time he was endeavoring to restrain a violent, raging and dangerous mental patient from inflicting wounds and harm upon other patients confined in the Kentucky State Hospital, then the moral and legal obligation of the Commonwealth of Kentucky, the Kentucky State Hospital, to compensate him, is hereby expressly recognized, acknowledged and validated, and the jury shall award such damages to him which is a direct and proximate result, he may have suffered or may hereafter suffer, by reason of such injuries occasioned by the rendition of a public service to the Commonwealth of Kentucky.

Section 2. The said suit of John M. Shepherd shall be for an amount not exceeding $10,000.00.

Section 3. The Attorney General is hereby authorized to compromise or settle this claim, and any settlement that may be so effected or any judgment that may be recovered shall be paid by the Department of Finance by a warrant drawn on the State Treasury and paid out of the General Fund.

Section 4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

By Senator Cox.

S. B. No. 92. AN ACT relating to confederate pensions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 206.020 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. (1) Any Confederate veteran who has been an actual bona fide resident of this state since January 1, 1915, shall be paid fifty dollars per month upon proving that he:

(a) Did actual military service in the Confederate Army

from the date of his enlistment to the close of the war, or until he was honorably discharged from the military forces of the Confederate States:

(b) Was prevented from serving until the close of the war or until he was honorably discharged by reason of wounds or disease contracted in line of duty, which rendered him unable to perform further military service; or

(c) Deserted or was discharged, but re-enlisted or returned to service in the Confederate Army, and served until the close of the war or until he was honorably discharged or prevented from serving by wounds or disease contracted in line of duty disabling him from further military service.

(2) The widow of any such Confederate veteran who would have been entitled to the pension, and which widow was living with him as his legal wife at the time of his death, has not remarried since his death, and who has been an actual bona fide resident of the state since January 1, 1915, shall be paid out of the State Treasury fifty dollars per month.

(3) Payments under this section shall be made upon proof of the facts according to forms and regulations prescribed by the Department of Finance.

Section 2. For the purpose of providing sufficient funds to defray the increased costs resulting from the amendment made in section 1, there is hereby appropriated out of the General Expenditure Fund in the State Treasury, to the Department of Finance, the sum of three thousand dollars for the fiscal year 1952-53. This appropriation shall be in addition to any other appropriations made for confederate pensions.

By Senator McCann.

S. B. No. 93. AN ACT relating to the licensing of dogs.

Said bill is as follows, viz:

WHEREAS, it has been adequately proven that proper immunization of dogs provides a safe and effective protection against the communication of rabies or hydrophobia; THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No dog license shall be issued to any person unless he presents to the sheriff at the time of making application, a certificate from a licensed veterinarian indicating that the dog has been immunized against rabies or hydrophobia within the preceding twelve months.

By Senator Cornett.

S. B. No. 94. AN ACT relating to peremptory challenges allowed defendant in a criminal case.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 203 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

The defendant is entitled to ten peremptory challenges in prosecutions for felony, and to three in prosecutions for misdemeanor.

By Senator Warinner.

S. B. No. 95. AN ACT relating to local boards of education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every board of education of a county or independent school district, in determining the salary schedule for the instructional personnel therein, shall allow a minimum of seventy-five cents per hour for each hour of undergraduate or graduate study for which allowance is made under the salary schedule formula used.

By Senator Shackleford.

S. B. No. 96. AN ACT relating to Public Police Officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. No person shall falsely represent himself to be an officer, agent or employee of any police department of this state or any of its subdivisions, or any other state or its subdivisions, or in such assumed chairacter arrest, detain, question or search in any manner the person or property of anyone; nor shall any person wear without authority the uniform, or insignia, of any police department of this state or its subdivisions, or any uniform or insignia likely to be confused with the uniform or insignia of any of these departments.

SECTION 2. Any person who violates section one of this Act shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) or imprisoned for a period not exceeding six months or both.

By Senator Shackelford.

S. B. No. 97. AN ACT relating to the City Police Departments.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Any city of the fifth class which has now, or in which there may be hereafter established a regular police department, may by ordinance create a Civil Service Commission or Personnel Board, whose duties shall be to hold examinations as to the qualifications of applicants for employment within qualifications as may be prescribed.

SECTION 2.

(1) The Commission or Board shall require all applicants for appointments as members of the Police Department to be examined as to their qualifications to fill the office of policeman, and as to their knowledge of the English language, and as to the law and rules governing the duties of policemen. Every member of the Police Department shall be able to read and write and understand the English language and have such other general the police department.

(2) No person shall be appointed a member of the Police Department unless he is well known to be a man of sobriety and integrity, and has been and is an orderly, law-abiding citizen, nor shall any person be appointed as a member of said Police department on account of any political, partisan service rendered by him or on account of political sentiments or affiliations, or who is under twenty-one years of age or over forty, unless the applicant has had as much as five years' experience as a regular policeman and is not over fifty-five years of age. No member of the Police Department shall be removed or discharged or reduced in grade or pay for any political partisan opinion. The appointment and continuance upon the Police Department shall depend solely upon the ability and willingness of a person to comply with the rules of the said department and to perform the duties of said department. No appointment to or continuance as a member of a Police Department shall be as a reward for political activity nor be obtained by political services or contributions to campaign funds, nor shall any member of said department pay or collect any assessments made by political organizations, or contribute to political campaign funds, or be unduly active in politics or work for the election of candidates for office.

(3) The examination and qualifications provided for in this section shall not apply to the members of the regular police department at this time, who have been continuously in the service for a period of three years.

(4) Members of police departments otherwise qualified under this law shall hold their positions during good behavior, provided, however, that the provisions of this Act shall not prevent the said city legislative body from increasing or decreasing the number of policemen, as may be deemed proper from time to time, and provided further, that in the event the said city legislative body decreases the number of policemen, the youngest member in point of service shall be the first to be reduced and returned to the eligible list and to advance according to the rules and regulations of said department.

SECTION 3. The mayor, by and with the approval of the legislative body, shall appoint three citizens, who have been taxpayers and voters of the city for five years previous to their

appointment, and who shall not be less than thirty years of age, who shall constitute the civil service commission or personnel board of said city. Such appointees shall originally be appointed for one year, two years and three years, respectively, and the successors of such appointees shall be appointed in like manner, each for a period of three years. Any member of the board or commission shall be eligible for reappointment. Vacancies shall be filled in the same manner as appointments of said members are made, provided that any person appointed to fill a vacancy shall serve only to the end of the term of the member whose office was vacated. Said board or commission shall elect one of their members as chairman and one as secretary. Each of said members shall qualify by taking the oath as prescribed by the Constitution of Kentucky.

SECTION 4. Said commission or board shall conduct an examination of persons for appointment as members of the police department each time a vacancy shall occur in said department. The mayor shall notify the board or commission each time a vacancy occurs in the department and said board or commission shall within the two weeks following the receipt of such notice hold an examination for persons seeking appointment to such vacancy after giving notice at least five days prior to the holding of such examination in some newspaper of general circulation in the city. Within one week following the holding of said examination, said commission or board shall certify to the legislative body the names of the three persons receiving the highest grades. The legislative body may appoint any one of said three persons to said department. Provided, however, that in the event a vacancy thereafter occurs in said department, or additions thereto of regular or substitute policemen are made, within one year following the certification of said names, the legislative body shall fill said vacancy or make such additions from the list of names certified. The commission or board shall make all rules and regulations for the proper conduct of their office. Each member of the commission or board shall receive a salary of one dollar per annum, paid out of the city's general fund, and for their services and the expense of holding any one examination by the members after due notice by the mayor has been given to the chairman of the said commission that a vacancy

occurs and after the eligible list has been exhausted, shall be paid by the legislative body out of the city's general fund, not to exceed ten dollars ($10.00).

SECTION 5.

(1) No member of the police department shall be removed from the department or reduced in grade upon any reason except inefficiency, misconduct, insubordination or violation of law, or violation of the rules adopted by the department. Any person may prefer charges against a member of the police department, which must be filed in the office of the mayor, who shall thereupon communicate said charges without delay to the legislative body. Said charges must be written, signed by the person making such charges and must set out with clearness and distinctness each and every charge. It shall be the duty of the mayor and each member of the legislative body, whenever probable cause appears, to prefer charges against any member of the police department whom he or she believes to have been guilty of any conduct justifying his removal or punishment in the interest of public order. The charges thus filed shall be written and shall set out with distinctness and clearness the charges made, and upon the hearing of any charges, as hereinafter provided, all said charges shall be considered traversed, and put in issue, and the trial shall be confined to matters related to the issue so presented. All charges against members of the police department shall be filed with the clerk of the legislative body, and within three days after said filing the legislative body shall proceed to hear and examine said charges; provided two days before said hearing the member of the police department, accused, has been served with a copy of said charges, and a statement of the day, place and hour at which and when the hearing of said charges shall begin. The person accused may, however, in writing, waive the service of said charges, and demand trial within three days after said charges are filed with the clerk of said legislative body. The legislative body will have the power to summon and compel the attendance of witnesses at all hearings or sittings by said body, upon subpoena issued by the clerk of said body, and served upon said witnesses by any officer authorized to serve subpoenas from any court of justice in the county, and said body shall have the power of a justice of the peace to punish for con-

tempt. The member of the police department, the accused, shall have the right to have subpoenaed, in his behalf, any witness he may desire, upon furnishing their names to the clerk of said legislative body, and the action and decision of said body, on said charges shall be reduced to writing and shall be entered in a book to be kept for that purpose by the clerk of said legislative body, and the written charges filed in this matter shall be preserved and securely attached to the book containing the legislative body's decisions.

(2) In cases where the mayor has probable cause to believe that a member of the police department has been guilty of any conduct justifying removal or punishment, he may suspend said member from duty, or from both pay and duty, pending said trial, and said member shall not be placed on duty or allowed pay thereafter until the charges are heard by the legislative body. The said body shall fix punishment against a member of the police department found guilty of any charge under this Act, by reprimand or suspension for any length of time in their judgment, not to exceed six months, or by reducing the grade, if the accused be chief or other officer, or by combining any two or more of said punishments, or by removal or dismissal from the service of any such member of the police department. No member of the police department except as provided in this Act, shall be reprimanded, removed, suspended, or dismissed from the department until written charges have been made, or preferred against him, and a trial had as herein provided.

SECTION 6.

(1) Any member of the police department who shall be found guilty by the legislative body of any charge as hereinbefore provided, shall have the right to appeal to the circuit court of the county in which said city may be located, provided the punishment be a suspension of more than thirty days, or a reduction in grade or a removal or dismissal from the police department, but the enforcement of the judgment of said body under such charges shall not be suspended pending said appeal.

(2) Upon the request of the party accused, the clerk of said body shall file a certified copy of the charges made and the judgment or the findings of the said body in the circuit court;

which transcript having been filed, the cause shall be docketed in the circuit court and tried de novo by the judge of said court. Should the clerk of said body fail to certify and transmit the transcript aforesaid to the circuit court within five days after the request is made for same, then the party aggrieved may file an affidavit in the said circuit court, setting out as fully as possible the charges made, the time of trial by said court and the judgment of said body, together with the statements of the facts that the demand for transcript had been made upon the clerk of said body more than five days before the filing of said affidavit. Upon the filing of said affidavit in the circuit court, said cause shall be docketed in said court and the circuit court is hereby authorized to compel the filing of said transcript by said clerk by entering the proper mandatory orders, and by fine and imprisonment, as in cases of contempt. Such appeal shall have precedence over other business and be taken up and determined speedily.

(3) An appeal will lie from the judgment of the circuit court to the Court of Appeals, as in other cases, provided the punishment fixed by the body be suspension for more than sixty days, reduction in grade, or removal or dismissal from the department.

SECTION 7. There shall be organized in connection with said police department a board to be known as the board of trustees of the policemen's pension fund, which shall be composed of the mayor of the city, city treasurer, police chief, and one member of the city council or city commissioners appointed by the mayor of said city, and said trustees shall select from their number a president and secretary. The city treasurer shall be ex-officio treasurer of said board and custodian of its funds.

SECTION 8. The legislative body may appropriate out of the general fund of the said city each month an amount equal to the monthly amount paid into said fund by the policemen's salaries as a fund for the pensioning of any policeman who has served in the police department for at least a period of twenty years or more, provided the applicant has reached his fifty-first birthday, and all members of the police department shall be entitled to be credited with the service rendered continuously prior to the adoption ordinances of this Act by said city, to the

eligibility of the twenty-year, or more, period for pension, not less than three years nor to exceed fifteen years of previous service, and for the further purpose of pensioning any member of the police department who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under the age of fourteen years of age, or either of them, of any member of the department who may lose his life while in the service and on active duty, and all rewards, fees, proceeds of gifts and emoluments that may be paid or given on account of extraordinary service of any member of said department shall be paid into the treasury to the credit of the policemen's pension fund. The payment so made, together with the appropriation shall constitute and be kept as a fund to be called the "Policemen's Pension Fund," and the said board of trustees of the policemen's pension fund is hereby declared to be the trustee of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

SECTION 9. Said board of trustees of the policemen's pension fund shall have the exclusive control and management of the said fund and all monies donated, paid or assessed for the relief or for pensioning retired, crippled or disabled members of the police department or the widows and dependent children under the age of fourteen years or dependent fathers or mothers of any member of the department killed in the service, while in line of duty, and shall assess each member of the police department not exceeding three and one-half percent of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of such city to the credit of such fund, subject to the order of such board.

SECTION 10. The said board of trustees of the policemen's pension fund shall have all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this Act, and its decision of such applications shall be final and conclusive,

and not subject to revisions or reversal, except by said board, and a record shall be kept of all meetings and the proceedings of said board.

SECTION 11. The said board of trustees of the policemen's pension fund shall have the power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the board of trustees of the policemen's pension fund, in interest-bearing bonds of the United States or the State of Kentucky, or any county or city of the first, second, third, fourth or fifth classes in the State of Kentucky, or in any securities in which trustees or guardians are permitted to invest trust or guardianship funds under the laws of this state, and all such securities shall be deposited with the treasurer of said city as ex-officio treasurer of said board and shall be subject to the order of said board. Both the principal and interest of said pension fund shall be applicable to the payment of pensions under this Act.

SECTION 12. If any member of the police department, while in the performance of his duty, becomes temporarily, totally disabled, physically or mentally, for services by reason of service in such department, the board of trustees shall order the payment to such disabled member, monthly during such disability, not to exceed one year, from such pension fund, not exceeding sixty dollars per month, the said amount to be determined by the board of trustees, provided such member, during the same period, is paid no salary as such member. If any member of the police department, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in said department so as to render necessary his retirement from service in said department, said board of trustees shall retire such disabled member from service in said department, provided no such retirement on account of disability shall occur unless said member has contracted said disability while on duty in the service of said police department, and upon such retirement the board of trustees shall order the payment to such disabled member of such police department, monthly, from such pension fund, a sum equal to one-half of the monthly salary such member was receiving at the date of his retirement, provided such member has had twelve or more years'

constant service in said department. Any member of the police department who has less than twelve years of constant service in the department and becomes disabled for service and eligible for retirement under this section shall receive monthly such sum from such pension fund fixed by the board of said trustees any amount not to exceed one-half of the amount which such member of the police department was receiving in monthly salary at the date of his retirement. If any member of said police department shall, while in the performance of his duty, be killed or die as a result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or shall die from any cause whatsoever as a result of his services in said department, and while in said service, or after having served continuously for twelve years shall die while in the service or on the retired list from any cause, and shall leave a widow, or child or children under the age of fourteen years, said board of trustees shall direct the payment from said pension fund, monthly, to such widow, while unmarried, the sum of thirty dollars, and for each child until it reaches the age of fourteen years, six dollars, and to the dependent father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars, and if the mother be dead, the father shall receive the entire thirty dollars, and if both be living, each shall receive fifteen dollars.

SECTION 13. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof the amount per month as herein provided, then an equal percentage of each monthly payment shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

SECTION 14. If any member of the police department of such cities has served twenty years or more and has reached his fifty-first birthday in such police department, and if his application to be relieved from such police department is granted, the said board of trustees shall order and direct that such person be paid a monthly pension equal to one-half of the amount of the salary said person is or was in receipt of as a member of said department at the time of granting application.

SECTION 15. Whenever an active or retired policeman

dies from any cause, the board of trustees shall appropriate from the pension fund a sum not exceeding one hundred dollars, made payable to the widow or family, for funeral expenses.

SECTION 16. No person shall be entitled to receive any pension from the said pension fund under this Act except a regularly retired member or a regular member in the said police department, his widow, or children under the age of fourteen years, or dependent mother or father.

SECTION 17. The treasurer of the board of trustees of the policemen's pension fund shall be the custodian of said pension fund and shall securely and safely keep the same, subject to the control and direction of said board, and shall keep his or her books and accounts concerning such fund in such manner as may be prescribed by the board and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his appointment or election, execute a bond to the city with good and sufficient surety, in such penal sum as the legislative body shall direct, to be approved by the legislative body of said city, conditioned for the faithful performance of the duties of his or her office, and that he or she will safely keep and well and truthfully account for all money and properties which may come into his or her hands as such treasurer; and that, upon the expiration of his or her term of office, he or she will surrender and deliver to his or her successor all bonds, securities, and all unexpended monies or other properties which may have come into his or her hands as treasurer of said fund. Said bond shall be filed in the office of the city clerk, as other bonds, and may be sued on in the name of the said city, for the use of said board of trustees, or in the name of the board of trustees, or any person or persons injured by a breach thereof. The premium on said bond shall be paid out of said pension fund in the manner provided in this Act for expending sums.

SECTION 18. It shall be the duty of such officer or officers of the said city as are designated by law, to draw warrants on the treasurer of said city, on request in writing by said board of trustees, payable to the treasurer of said board of trustees for all funds belonging to said pension fund as aforesaid.

SECTION 19. All monies ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of the board of trustees only upon warrants signed by the president of said board and countersigned by the secretary thereof, and no warrant shall be drawn except by order of the board, after having been duly entered on the records of the proceedings of the board of trustees.

SECTION 20. The board of trustees of the policemen's pension fund shall make a report in writing, signed by the president and secretary of said board, to the legislative body of said city, of the condition of said pension fund, on the first meeting in September of the legislative body of said city in each and every year.

SECTION 21. In the event that the provisions of this Act are accepted and adopted by the legislative body of a city of the fifth class by ordinance, as herein provided, the repeal of such ordinance shall not become effective unless adopted by the unanimous vote of the duly elected members of such legislative body. In the event a repeal ordinance is adopted by such legislative body, all monies or property belonging to the policemen's pension fund at the time of the repeal of the said adoption ordinance shall be dissolved or liquidated by the board of trustees of said policemen's pension fund and distributed by said board in the following manner: Within sixty days of adoption by said legislative body of said repeal ordinance, the said board of trustees shall proceed with the liquidation of said pension fund as follows: All unexpended monies appropriated to said pension fund out of the said city's general fund to the policemen's pension fund by the said legislative body of such city and at the time of adoption of a repeal ordinance shall revert back to the city's general fund. All other unexpended monies or property which has come into the said pension fund's hands shall be liquidated by said board of trustees in the following manner: All unexpended monies in the said pension fund which accumulated thereto by assessments from policemen's salaries and gifts, or accumulated thereto in any manner except appropriations from the said city's general fund, shall revert back to the active or retired policemen and dependents who have qualified under this Act in such city. In the division to the beneficiaries,

the board of said trustees shall use in the division of said fund the per centum of the present salaries of such members. After all disbursements have been made of said fund by the board of trustees, the said board of trustees shall file, as their last act, a complete report of same with said legislative body within thirty days, and such report shall be kept in the office of the city clerk as other city records.

SECTION 22. No policeman shall be entitled to the benefits herein provided incidental to voluntary retirement from said department on account of service, unless he shall have been employed continuously for a period of at least five years from and after the date of the passage of the adoption ordinance by the legislative body, and the amount of such sum paid to such member shall be fixed by the board of trustees payable monthly, not to exceed one-half of the salary such member was in receipt of at the time of voluntary retirement. The payments fixed by said trustees to such member shall not exceed one year.

SECTION 23. When the provisions of this Act have been accepted and adopted by the legislative body of any city of the fifth class, KRS 95.700 (2), 95.710 and 95.760 shall not apply to that city.

By Senator Shackelford.

S. B. No. 98. AN ACT relating to Special Local Peace Officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 61.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor may appoint special local peace officers, for such time as he deems necessary, to preserve the peace and protect the property of any person from waste or destruction. Upon the application of an owner of property for such services, and upon payment of a fee of five dollars for each officer to be appointed, the Governor shall immediately appoint the person recommended by the owner, if the person is eligible. No person

shall be eligible for appointment under this section unless he has established to the satisfaction of the Governor that he possesses the qualifications prescribed for nonelective peace officers by KRS 61.300. The Governor may remove any officer so appointed at will or at the request of the owner of the property.

(2) The duties of the officer should be confined to the premises of the property to be protected, except while in pursuit of a person fleeing from the property after committing an act of violence or destruction of the property. In that case, the officer may pursue the person and make arrest anywhere within this state. He may wear such badges as prescribed by KRS 39.250 (2) and such insignia as will plainly indicate to the public that he is a special local peace officer. He shall wear a dark brown colored uniform bearing insignia clearly marked "SPECIAL INDUSTRIAL POLICE," but he shall not, in any event, wear any uniform, or any part thereof, like that of any public police officer of this state or any of its subdivisions; nor shall he in any way impersonate a public peace officer; nor shall he wear any insignia or words of rank used by police departments or military organizations; nor shall he perform any of the duties of a public police officer except those specifically herein granted at the place herein specifically designated.

(3) When application is made for the appointment of an officer under this section, the Governor shall require the owner to pay into the State Treasury an amount equal to the salary of the officer, and the salary of the officer shall be paid directly out of the State Treasury by order of the Governor.

(4) Application fees shall be placed in the State Treasury and credited to a revolving fund for administrative expenses.

(5) Any person who violates any of the provisions of this section shall be fined not less than ten nor more than one hundred dollars or imprisoned not less than five nor more than thirty days, or both.

By Senator Shaikun.

S. B. No. 99. AN ACT relating to the qualifications of teachers of handicapped children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No standards, rules or regulations prescribed by the State Board of Education pursuant to the authority of KRS 157.250 shall apply to, or affect, any person who, at any time prior to March 25, 1948, was qualified to teach, and had actually taught, in any class in any school authorized by KRS 157.230, and was holding an A.B. or B.S. degree and a life certificate.

By Senator Martin.

S. B. No. 100. AN ACT relating to a study of the problem of Alcoholism in the State, providing for an Alcoholic Study Commission and for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There is created a commission to be known as the Alcoholic Study Commission which shall consist of not more than eleven members to be appointed by the Governor immediately after the effective date of this Act. The Governor shall name one of the members of the Commission as chairman.

Sec. 2. The Alcoholic Study Commission in conjunction with the Legislative Research Commission shall make a comprehensive study on the problem of alcoholism in the State, the existing methods and facilities for treatment, the present program for public education on alcoholism and the present status of the laws of the State in regard to alcoholism.

Sec. 3. The Legislative Research Commission is authorized and directed to secure and provide adequate facilities, services and assistance to enable the Alcoholic Study Commission to carry out the object and purposes of this Act.

Sec. 4. The Alcoholic Study Commission in conjunction with the Legislative Research Commission shall prepare and submit to the Governor at such an early date as is consistent with the purposes of this Act a report of the result of its study and

survey, with recommendations, for the use and benefit of the General Assembly when next in session.

Sec. 5. The members of the Alcoholic Study Commission shall receive no compensation for their services but may be reimbursed for actual and necessary expenses incurred in the performance of the functions of the Commission. The Commission shall meet from time to time upon call of the chairman at a time and place designated in the call, and shall meet at the request of the Governor at such times and places as designated by him. The Commission shall continue in existence until such time when its duties shall be complete but in no event beyond December 31, 1953.

Sec. 6. To carry out the purposes of this Act there is appropriated to the Legislative Research Commission out of the General Expenditure fund in the State Treasury the sum of ten thousand dollars which sum shall be available during the 1952-53 fiscal year and, without lapse, during the 1953-54 fiscal year. Authorized expenses and expenditures of the Alcoholic Study Commission may be paid out of the appropriation on vouchers approved by the Director of the Legislative Research Commission.

Ordered that said bills be printed and referred.

COMMITTEE ON COMMITTEES REFERS BILLS TO COMMITTEES

Senator Moloney, Chairman of the Committee on Committees, reported that the following bills had been referred, viz:

S. B. No. 78, No. 83. Appropriations

S. B. No. 90, No. 91. Courts and Legal Procedure

S. B. No. 81. Judiciary and Judicial Council

S. B. No. 84, No. 89. Ky. Statutes No. 1

S. B. No. 80, No. 82, No. 85, No. 86, No. 87. Ky. Statutes No. 2

S. B. No. 79. Municipalities

S. B. No. 88. Regulation of Intoxicating Liquors

ORDERS OF THE DAY

Senator Moloney moved that Senate Resolution No. 7 be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Thereupon the Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

S. Res. No. 7. A RESOLUTION concerning the naming of the body of water impounded by Wolf Creek Dam.

Senator Warinner moved that said resolution be adopted.

Said motion was agreed to.

Thereupon said resolution was adopted.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 24. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restrictions on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 6. AN ACT relating to Offenses against Property by Fraud, amending Section 434.070 of the Kentucky Revised Statutes.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that S. B. No. 17, with amendment, be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Thereupon the Senate took up for consideration from the Orders of the Day said bill entitled as follows, viz:

S. B. No. 17. AN ACT abolishing the position of deputy constable, except in counties containing a city of the first or second class.

With the following committee amendment, viz:

By striking Section 3 and substituting in lieu thereof a new section, to be known and called Section 3, to read as follows:

(3) In counties containing a population of over two hundred and fifty thousand, each deputy constable appointed by the constable shall be exclusively compensated for the performance of the duties of his office by a salary of twenty-one hundred dollars per annum and paid in equal monthly installments out of the county treasury.

Senator Montgomery moved that the Senate do adopt said amendment.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with committee amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with committee amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with committee amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with committee amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were--

H. Stanley Blake	Stanley Hoffman	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Freeman Robinson	--35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with committee amendment, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 38. AN ACT relating to mechanics' and materialmen's liens,

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 21. AN ACT relating to the time for holding sessions of circuit court in the thirty-seventh Judicial District.

Senator Stacy moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Freeman Robinson	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 11. AN ACT to amend Section 23.050, Kentucky Revised Statutes, 1950 Edition, in so far as it relates to the time of holding the terms of the Circuit Courts in the 36th Judicial District, composing the counties of Knott and Magoffin.

Senator Hays moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Martin J. Duffy	Stanley Hoffman
Bernard J. Bonn	Ernest M. Ford	Alvin Kidwell
Eugene H. Clark	Wayne Freeman	Bert Kiser
Augustus Cornett	Julian Golden	James Lassiter
Louis Cox	Doug Hays	Homer E. Losey
Archie Craft	Thomas Hines	C. W. A. McCann

James R. Mansfield	William J. Sample	Sylvester Wagner
Earl F. Martin	Clay Shackleford	Ed P. Warriner
Strother Melton	Cortis K. Stacy	Leon Shaikun
Richard P. Moloney	Paul Stapleton	John M. Williams
O. W. Montgomery	Otis C. Thomas	E. V. Withers
Freeman Robinson	Wendell Van Hoose	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 45. AN ACT relating to the time of holding the regular terms of court for the eighth circuit court district, composed of Allen and Warren Counties.

Senator Hines moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Cortis K. Stacy
Augustus Cornett	James Lassiter	Paul Stapleton
Louis Cox	Homer E. Losey	Wendell Van Hoose
Archie Craft	C. W. A. McCann	Sylvester Wagner
Martin J. Duffy	James R. Mansfield	Ed P. Warriner
Ernest M. Ford	Earl F. Martin	John M. Williams
Wayne Freeman	Strother Melton	E. V. Withers
Julian Golden	Richard P. Moloney	O. W. Montgomery
Doug Hays	Freeman Robinson	
Thomas Hines		—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now recess until 2 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and presided over the Senate.

REPORTS OF COMMITTEES

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported bills of the following titles, viz:

S. B. No. 68. AN ACT relating to motor transportation and motor vehicles.

S. B. No. 69. AN ACT relating to reciprocal tax exemptions for nonresident motor carriers.

S. B. No. 70. AN ACT relating to motor transportation and motor vehicles.

S. B. No. 87. AN ACT to amend sub-section (c) of section 3 of Senate Bill No. 1, passed by the General Assembly of the Commonwealth of Kentucky at its extraordinary session, 1951, and declaring an emergency to exist.

S. B. No. 85. AN ACT relating to control of Black Shank and other diseases of tobacco and to appropriate money for that purpose.

S. B. No. 80. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals, and making an appropriation therefor.

H. B. No. 21. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

With the expression of opinion that said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Shackelford, Chairman of the Committee on Judiciary and Judicial Council, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 63. AN ACT relating to rules of pleading, practice, and procedure, and forms thereof in civil actions and with limited application, in criminal proceedings.

With the expression of opinion that said bill should pass with Committee Amendments as follows, viz:

AMENDMENT NO. 1

Amend printed copy of S. B. No. 63

by substituting "July 1" in place of "January 1" on page 2, section 1, line 9, and on page 3, section 6, line 1, and on page 4, section 8, lines 4 and 5.

AMENDMENT NO. 2

Amend printed copy of S. B. No. 63

on page 3, section 2, line 26, by substituting "ninety days" in lieu of "thirty days."

Whereupon, said bill, with Committee Amendments, was read at length for the first time and

Ordered placed in the Calendar.

Senator Hines, Chairman of the Committee on Classification of Towns and Cities, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 40. AN ACT changing the classification of the City of Jeffersontown, in Jefferson County.

With the expression of opinion that said bill should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Montgomery, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 19. AN ACT relating to time.

With the expression of opinion that said bill should pass.

Whereupon, said bill was read at length for the first time and Ordered placed in the Calendar.

Senator Montgomery, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 43. AN ACT to amend KRS 74.020 to authorize an increase in the salaries of water district commissioners.

With the expression of opinion that said bill should pass with Committee Amendment as follows, viz:

By striking out the following words on line 5: "less than $200.00 nor"

Whereupon said bill, with said amendment, was read at length for the first time and

Ordered placed in the calendar.

Senator Montgomery, Chairman of the Committee on Kentucky Statutes No. 1, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 12. AN ACT relating to real estate brokers and salesmen.

With the expression of opinion that said bill should pass with Committee Amendments, as follows, viz:

No. 1. By striking on page 3 from section 5 on line 5 the words "The bond shall be executed by" and inserting in lieu thereof the following: "The bond shall be a cash bond or a surety bond and, if the latter, shall be executed by"

No. 2. By adding a new section at the end of the bill, on page 3, which new section shall read as follows:

"Section 6. This Act shall apply only to real estate brokers and real estate salesmen who operate in any city of the first, second or third class, or within five miles from the corporate limits thereof."

Whereupon, said bill, with said committee amendments, was read at length for the first time and

Ordered placed in the Calendar.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Thursday, January 31, 1952.

Said motion was agreed to.

And then the Senate adjourned.

THURSDAY, JANUARY 31, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend W. B. Campbell of the Methodist Church, of Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	Bert Kiser	Cortis K. Stacy
Louis Cox	James Lassiter	Paul Stapleton
Archie Craft	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Moloney	John M. Williams
James P. Hanratty	O. W. Montgomery	E. V. Withers
Doug Hays		—34

The following Senators were absent—

Thomas Hines	Jack Reynolds	Clay Shackelford
C. W. A. McCann		—4

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings of Tuesday, January 29, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 62. AN ACT relating to narcotic drugs, amending section 218.210 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 218.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who sells, supplies, prescribes, administers, dispenses or furnishes, or causes to be sold, supplied, prescribed, administered, dispensed or furnished, any narcotic drug in violation of this chapter to a person under twenty-one years of age, shall be guilty of a felony and shall be fined not more than five thousand dollars and confined in the penitentiary for not less than twenty years, and may be so confined for a longer period or for life.

(2) Any person who violates any provision of this chapter, for which a specific penalty is not otherwise provided, except KRS 218.250, shall be guilty of a felony and shall, for the first offense, be punished by confinement in the penitentiary for not less than two years nor more than five years or by a fine of not less than one thousand dollars nor more than five thousand dollars, or both, and, for each subsequent offense, be punished by confinement in the penitentiary for not less than five years nor more than twenty years, and by a fine of not more than five thousand dollars.

(3) No court or judge thereof, shall, pursuant to KRS 439.020 to 439.060 or otherwise, postpone or suspend judgment or sentence or probate a defendant when the defendant has pleaded guilty to or been convicted of selling, supplying, prescribing, administering, dispensing or furnishing, or causing to be sold, supplied, prescribed, administered, dispensed or furnished, any narcotic drug in violation of this chapter to a person under twenty-one years of age, or when the defendant has previously pleaded guilty to or been conviced of a violation of any of the other provisions of this chapter, except KRS 218.250, or has previously pleaded guilty to or been convicted of a violation of any of the narcotic laws of the United States of America or any state or territory thereof.

(4) Whenever a person charged with a violation of subsection (1) of KRS 218.250 waives a jury, the court or judge thereof may, upon the defendant pleading or being found guilty, sentence the defendant to imprisonment for any period of time not exceeding twelve months without the intervention of a jury. Notwithstanding the provisions of subsection (2) of KRS 218.250, no court or judge thereof shall, pursuant to KRS 439.020 to 439.060 or otherwise, postpone or suspend judgment or sentence

or probate a defendant when the defendant has pleaded guilty to or been convicted of a violation of KRS 218.250 unless the defendant consents to enter and forthwith enters an institution approved by the court for the treatment of narcotic addicts and remains therein until discharged by said institution; failure of the defendant to do so shall automatically revoke his probation and require the prompt entry of judgment and service of sentence in the county jail.

H. B. No. 66. AN ACT concerning inheritance taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 140.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be free from any tax under the preceding provisions of this chapter the following inheritable interests:

(a) Wife or infant child by blood or a child by blood who has been declared incompetent by a court of competent jurisdiction, $30,000;

(b) All other persons of Class A, under KRS 140.070, $5,000;

(c) All persons of Class B, under KRS 140.070, $1,000; and

(d) All persons of Class C, under KRS 140.070, $500.

H. B. No. 68. AN ACT to repeal, amend and re-enact Section 382.300, Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 382.300, Kentucky Revised Statutes, be repealed, amended so as to add the following section (2) and re-enacted, so that same, when re-enacted, shall read as follows:

(1) Every county clerk shall record all deeds, mortgages and powers of attorney that are lodged for record, properly certified, or that are acknowledged or proved before him as

required by law. He shall also record the certificates endorsed on such instrument, and shall certify the time when the instrument was lodged in his office for record. If acknowledged or proved before him, he shall also certify the time of acknowledgment or proof, and by whom proved, and that the instrument and the certificate thereon have been duly recorded in his office.

(2) Whenever, either heretofore or hereafter, any recordable instrument of writing bearing the certificate of the clerk showing its recording shall have been copied of record by any photographic, photocopying, or other mechanical process for reproducing on the record the instrument and certificate, the clerk's signature, by either the clerk or his deputy, so reproduced with such certificate shall have the same effect as if subscribed by the clerk on the record.

H. B. No. 69. AN ACT relating to income taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

An annual tax shall be paid for each taxable year by every resident individual of this state, upon his entire net income as defined in this chapter for purposes of taxation, at the following rates, less the tax credits as authorized by KRS 141.060:

(a) Two per cent of the amount of net income not exceeding three thousand dollars.

(b) Three per cent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars.

(c) Four per cent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars.

(d) Five per cent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars.

(e) Six per cent of the amount of net income in excess of eight thousand dollars.

Section 2. Section 141.040 of the Kentucky Revised Statutes is amended to read as follows:

Every corporation organized under the laws of this state and every foreign corporation doing business in this state, or deriving income from activities or other sources in this state, except state and national banks and trust companies, building and loan associations organized under the laws of this state and under the laws of this state and under the laws of the United States and making loans to members only, insurance companies, including farmers' or other mutual hail, cyclone, windstorm or fire insurance companies, insurers and reciprocal underwriters, and religious, educational, charitable and other corporations not organized or conducted for pecuniary profit, shall pay for each taxable year a tax to be computed by the Department of Revenue upon the entire net income of the corporation derived from business done, property located, activities or sources in this state. This tax shall be at the rate of four and one-half per cent of the entire net income of the corporation, or the portion thereof taxable within this state, determined as provided in this chapter.

Section 3. Subsection (1) of Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The taxes due as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025 shall be credited with the following amounts:

(a) Twenty dollars, in the case of an unmarried individual;

(b) Forty dollars, in the case of a married individual, living with husband or wife and in the case of a head of a family. If such husband and wife make separate returns, the tax credit allowed by this subsection may be taken by either or divided between them;

(c) Ten dollars for each person, other than husband or wife, or the first dependent of a head of a family, dependent upon and receiving more than fifty per cent of his support from the taxpayer during the taxable year for which the return is filed, if the dependent person is under eighteen years of age or is

incapable of self-support because mentally or physically defective.

Section 4. Section 141.180 of the Kentucky Revised Statutes is amended and reinacted to read as follows:

(1) Every individual having for the taxable year a net income of one thousand dollars or over or a gross income of fifteen hundred dollars or over, if single, or if married and not living with husband or wife; and every married individual living with husband or wife whose net income combined with the net income of his or her spouse exceeds two thousand dollars, or whose gross income combined with the gross income of his or her spouse exceeds twenty-five hundred dollars, shall make to the Department of Revenue a return stating specifically the items which he claims as deductions and tax credits allowed by this chapter. If the individual is unable to make his own return, the return shall be made by a duly authorized agent.

(2) A husband and wife not living together shall make separate returns. A husband and wife living together may make a joint return, or may make separate returns.

(3) An optional return properly filed under the provisions of KRS 141.025 shall be deemed sufficient to satisfy the provisions of this section.

(4) Each individual return shall be verified by a written declaration that it is made under the penalties of perjury.

Section 5. The provisions of this act shall be effective with respect to individuals and corporations reporting under the provisions of Chapter 141 of the Kentucky Revised Statutes on a calendar year basis beginning January 1, 1952, and with respect to individuals and corporations reporting on a fiscal year basis with the first fiscal year that begins on or after January 1, 1952.

Section 6. Sections 141.250, 141.260 and 141.270, of the Kentucky Revised Statutes are hereby repealed.

H. B. No. 72. AN ACT relating to births and deaths, amending section 213.150 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 213.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each local registrar shall be entitled to receive the sum of fifty cents, and each physician or midwife shall be entitled to receive the sum of twenty-five cents, for each birth certificate and for each death certificate properly and correctly filled out, signed, and registered with or reported by him and correctly copied and duly returned to the Division of Vital Statistics. In case no births or deaths are registered during any month, the local registrar shall be entitled to receive the sum of twenty-five cents for each report to that effect promptly made in accordance with this chapter.

(2) All amounts payable to local registrars, physicians and midwives under this section, shall be paid by the treasurer of the county in which the registration district is located upon certification by the Division of Vital Statistics.

(3) The Division of Vital Statistics shall certify, at least annually to the treasurers of the several counties, the number of births and deaths registered together with the names of the local registrars, physicians and midwives entitled to fee prescribed by this section, and the amount due each at the rate fixed herein.

(4) No local registrar, physician, midwife, sexton or undertaker shall charge or collect from any member of a family in which a birth or death occurs, any fee for complying with the provisions of this chapter.

H. B. No. 73. AN ACT relating to the Kentucky Water Pollution Control Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 220.600 of the Kentucky Revised Statutes is amended to read as follows:

220.600 WATER POLLUTION CONTROL COMMISSION; CREATION; MEMBERSHIP; COMPENSATION; ORGANIZATION; MEETINGS.

(1) For the purpose of carrying out the provisions of KRS 220.580 to 220.650, there is hereby created in the Department of Health a Water Pollution Control Commission.

(2) The Commission shall consist of the Commissioner of Health, the Commissioner of Conservation, the Attorney General, the Director of the Division of Game and Fish, and two citizens of the Commonwealth to be appointed for terms of four years each, by the Governor, one of whom shall be selected from groups representative of industrial management, and one from groups representative of municipalities. Vacancies shall be filled from the unexpired portion of any term in the same manner as an original appointment. Each of the officers of the Commonwealth hereby made a member of the commission may, by written order filed with the secretary of the commission, designate a deputy or other representative in his department to serve in his stead and to perform his duties as a member of the commission in his absence. Such designation shall be deemed temporary only and shall not affect the merit system or retirement rights of any person so designated.

(3) No salary or other compensation shall be allowed any member of the commission but each member may be reimbursed for actual and necessary expenses incurred in the performance of his official duties.

(4) The commission shall select one of its members as chairman and another member as vice chairman at its first regular meeting in each calendar year. The commissioner of health shall be the secretary of the commission, and may employ an executive director and such technical and other personnel as may be required in order to carry out the provisions of this act and the policies of the commission, and may define their powers and duties and fix their compensation. During the interim between meetings, the commissioner of health may perform in the name of the commission such functions and duties and may exercise such authority of the commission as the commission may

delegate to him, or he may delegate such functions, duties and authority to the executive director.

(5) Technical, scientific, legal or other services required by the commission shall be furnished insofar as practicable, by the Department of Health, the Department of Conservation, the Division of Game and Fish and other state departments, without additional compensation. The commission may request and receive the assistance of any state or municipal educational institution, experiment station, laboratory or other agency when it is deemed necessary or beneficial by the commission to carry out the provisions of KRS 220.580 to 220.650. The Division of Game and Fish is authorized, out of its receipts, to make contributions to the commission for its program.

(6) The commission shall hold regular meetings at least once in every two months, the time and place of which shall be determined by the commission. Special meetings may be called by the chairman or by two members of the commission by delivery to the office of each member of the commission of a written notice thereof at least five days in advance of the date of any such meeting. Three members of the commission shall constitute a quorum at any meeting. The commission shall establish bylaws for the conduct of its meeting and shall keep an accurate record of all of its proceedings.

H. B. No. 74. AN ACT relating to the Workman's Compensation Act authorizing the Tuberculosis Sanatoria Commission to elect to come under the provisions of the Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The State Tuberculosis Sanatoria Commission may elect coverage under the Workman's Compensation Laws for all employees under its control and supervision.

H. B. No. 36. AN ACT relating to time.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The standard time fixed and prescribed for the Commonwealth of Kentucky by Act of Congress or by order of the Interstate Commerce Commission shall apply to and govern all laws, regulations and rules relating to the time of performance of any act by any officer or department of the Commonwealth, or of any county, city or subdivision or agency thereof, or relating to the time that any right shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the Commonwealth, and in all the public schools and institutions of the Commonwealth and on the public works of the Commonwealth or any county, city or district thereof, or in all contracts or choses in action made or to be performed in the Commonwealth.

Section 2. Section 2.150 of the Kentucky Revised Statutes is repealed.

Ordered that said bills be printed and referred.

INTRODUCTION OF A RESOLUTION AND BILLS

A resolution of the following title was introduced, viz:

By Senator Hanratty.

S. Res. No. 9. A JOINT RESOLUTION authorizing the payment to B. N. Gordon, an attorney, claims for services as special judge of the Hopkins Circuit Court.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT B. N. Gordon, a regular practicing attorney of the Hopkins County Bar was appointed Special Judge in the May 1948 term of the Hopkins Circuit Court to preside at the trial of two indictments and one civil action and the regular judge of said court entered an order upon the Order Book allowing said B. N. Gordon $14.00 for each of five days, making a total of $70.00.

It appearing that said claim for services was not presented to the Commissioner of Finance within the time required by section 45.230 of the Kentucky Revised Statutes, and it further appearing that no payment of any part thereof has ever been

made to said B. N. Gordon, and it further appearing that said claim is a just and honest one against the Commonwealth of Kentucky; the Commissioner of Finance is hereby authorized and directed to draw his warrant upon the State Treasury in the sum of $70.00 in favor of B. N. Gordon, and the provision or regulation of law is now provided, it not being barred to the payment of said claim, and the amount necessary to pay said claim, being $70.00 is hereby appropriated out of the general fund for that purpose.

Bills of the following titles were introduced, viz:

By Senator Moloney.

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, needy blind and needy children, and amending sections 205.010, 205.200, 205.210, 205.240, and 205.990 of the Kentucky Revised Statutes and repealing sub-section (3) of section 205.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Definitions*

Section 205.010 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

205.010 *Definitions.* As used in KRS 205.160 to 205.250 and this Act, unless the context requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(3) "Division" means the Division of Public Assistance in the Department of Economic Security;

(4) "Public assistance" means money grants, assistance in kind, or service to or for the benefit of needy aged, needy blind, needy children or relative with whom a needy child lives;

(5) "Needy child" means a child under the age of eighteen

(18) who has been deprived of parental support by reason of the death, absence or incapacity of a parent, and who is unable to provide for himself and who does not otherwise have provided for him a subsistence compatible with decency and health;

(6) "Parent," in addition to natural or adopted parent, shall include step-parent;

(7) "Needy aged" means a person who has attained the age of sixty-five (65) and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(9) "Relative with whom a needy child lives" means the individual, of the degree of relationship prescribed by regulation, with whom such child is living in a place of residence maintained by such individual by himself or together with one (1) or more other persons of the prescribed degree of relationship;

(10) "Private institution" means any establishment or place other than a public institution operated or maintained by any individual, association, corporation or other organization which provides a group living arrangement for four (4) or more individuals, who are cared for and maintained in residence for compensation or othewise;

(11) "Public institution" means any establishment or place which is the responsibility of and administered by the state or any political subdivision thereof providing a group living arrangement in which one (1) or more individuals are cared for and maintained in residence;

(12) "Public medical institution" means any public institution the primary purpose of which is to furnish hospital care and medical treatment.

Section 2.

Subsection (3) of section 205.170 of the Kentucky Revised Statutes is hereby repealed.

Section 3. *Confidential treatment of information and records.*

All letters, reports, communications, and other matters, written or oral, to the division or any of its agents, representatives, or employees, or to any board or official functioning under KRS 205.160 to 205.250 and this Act, which have been written, sent, or made in connection with the requirements and administration of the division shall be absolutely privileged and shall not be the subject matter or basis for any suit for slander or libel in any court but no person testifying before the commissioner or his duly authorized representative shall be exempt from punishment for perjury. Information obtained shall not be published or be open for public inspection except that necessary information and records may be furnished to:

(a) Public employees in the performance of their duties in connection with the administration of the public assistance program;

(b) All law enforcement agencies including county attorneys, commonwealth attorneys, county and circuit court judges and grand juries in discovering and prosecuting cases involving fraud;

(c) County Social Services Advisory Committees established for the purpose of advising the Commissioner of Economic Security;

(d) Duly elected members of the General Assembly of the Commonwealth of Kentucky and of the Congress of the United States in connection with their duties as members of such legislative bodies, but such information shall be limited to cases of individual constituents of the legislator who have requested information regarding their application or grant, as specified in the inquiry by such legislator; and

(e) Any interested party at a hearing before the commissioner or his duly authorized representative to the extent necessary for the proper presentation of his case;

Provided, that any names or information obtained through access to such records shall not be used for any commercial or political purposes.

Section 4.

Section 205.200 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

205.200 *Eligibility for public assistance.*

(1) A needy aged person, a needy blind person, a needy child, or a relative with whom a needy child lives shall be eligible to receive a public assistance grant only if he has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation. No individual shall be eligible to receive public assistance under more than one (1) catagory of public assistance for the same period of time.

(2) Public assistance shall not be payable to or in behalf of any individual who is an inmate of a public institution, except as a patient in a medical institution, or to or in behalf of any individual who is a patient in an institution for tuberculosis or mental diseases, or who has been diagnosed as having tuberculosis or psychosis and is a patient in an institution as a result thereof.

(3) The commissioner may, by regulation, prescribe as a condition of eligibility that a needy child regularly attend school, and may further, by regulation, prescribe the degree of relationship of the person or persons in whose home such needy child must reside.

(4) No child born out of wedlock after June 15, 1950 shall be eligible under KRS 205.160 to 205.250 and this Act as a needy child until after a bastardy proceeding involving the child has been initiated. The requirement of this subsection may be waived as prescribed by regulation if a bastardy proceeding cannot be had or would be futile, or would not be to the best interest of such child, or its mother or contrary to the public interest.

(5) The department shall promptly notify the appropriate law enforcement officials of the furnishing of aid to dependent

children in respect to a child who has been deserted or abandoned by a parent.

(6) (a) A needy aged person or a needy blind person shall not be eligible to receive a public assistance grant unless he now resides and has resided in this state at least three (3) years out of the seven (7) years immediately preceding the application and has resided herein continuously for one (1) year immediately preceding the application.

(b) A needy child residing in the state shall not be eligible to receive a public assistance grant unless he has resided in this state for one (1) year immediately preceding the application or was born within one (1) year immediately preceding the application and its parent or other relative with whom the child is living has resided in this state for at least one (1) year immediately preceding the birth.

Section 5.

Section 205.210 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

205.210 *Amount of assistance; proration in case of deficiency; what constitute resources.*

(1) The amount of public assistance to be granted shall be determined with due regard to the needs and resources of the individual and family as prescribed by regulation, provided, that if available funds during a budgetary period are insufficient to meet the full needs of the recipients in all or any of the categories of public assistance, the funds available shall be reasonably prorated to recipients in such categories according to pending and anticipated applications during such budgetary period.

(2) Notwithstanding any other provisions of law to the contrary, resources in any given case shall be deemed to include among other things:

(a) The income and any property belonging to any applicant or recipient; except that the first fifty (50) dollars of earned income per month of an applicant or recipient of assistance to needy blind shall be disregarded in determining the needs and resources of such applicant or recipient.

(b) The income and any property of the spouse living with any needy aged or needy blind applicant;

(c) Such income and resources as may be available to applicants or recipients from persons legally liable for their support.

(3) The value of any property voluntarily transferred by any applicant or recipient or the spouse living with any applicant or recipient for the purpose of establishing eligibility for public assistance shall be deemed a resource of such applicant or recipient under this section.

Section 6.

Subsection (2) of section 205.240 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

205.240 (2) *Allocation.*

(2) Prior to July 1 of each fiscal year the commissioner shall allocate the money in the Public Assistance Fund to the three (3) categories of public assistance provided for in KRS 205.160 to 205.250 and this Act; namely, needy children, needy aged and needy blind, in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided, that the commissioner may, in any legislative biennium, reallocate said funds based on the number of recipients during any such biennium and the anticipated applicants during the balance of the biennium.

Section 7. *Recovery of payments; claims against decedents.*

Upon the death of any person who has been paid public assistance as a needy aged or needy blind person, the state shall have a claim against the estate of the deceased for all amounts of public assistance paid to him or on his behalf. The claim shall have priority over all unsecured claims against such estate except the burial expenses of the decedent, the cost of administration of his estate, and the cost of his last illness. The claim shall be filed against the estate of the deceased person in the same manner as other claims are filed against decedents' estates.

Section 8. *Real property lien; filing, enforcement.*

(1) On and after July 1, 1952, the Commonwealth of Kentucky shall have a lien upon all real estate and rights to real estate belonging to, or thereafter acquired, by any recipient of public assistance as a needy aged or needy blind. The lien shall become effective upon the first payment of assistance to the recipient, after the effective date of this section, and shall be cumulative and shall include all amounts paid to the recipient. The lien shall continue until it is satisfied, or become unenforceable.

(2) The lien shall not be effectual as against any mortgagee, purchaser, or judgment creditor without actual notice until notice thereof has been filed by the commissioner in the office of the clerk of the county court of the county in which the property is located. Such notice from the date of the filing thereof shall constitute notice of all payments of assistance, whether paid prior or subsequent to the date of the filing of the notice. Such notice shall be filed by the commissioner in those cases in which it is discovered that the recipient has sufficient real estate to justify the filing of such a notice.

(3) The commissioner, by regulation, shall provide the manner and form of the notice required to be filed by this Act. The notice shall not contain the amount of assistance paid, but the commissioner shall furnish to any authorized person, upon proper request, the total amount of the lien as of the date of the inquiry.

(4) The clerk of the county court shall file, record and index such notices as other liens on real estate are required by law to be filed, recorded and indexed but shall index said lien only in the name of the recipient. The lien shall be designated "Commonwealth's Lien."

(5) The clerk shall be entitled to a fee of $1.00 for filing and indexing the lien. The department shall pay the fee but the fee shall become a part of the lien as an added cost to the recipient to be recovered at the time a lien is satisfied.

(6) The lien shall not be enforceable while the real estate is occupied by the surviving spouse or until she remarries, or is occupied by a dependent child, provided, no other action is brought to settle the estate.

(7) In any case in which it appears that it would be to the best interest of the recipient to sell his real estate and reinvest the proceeds in other real estate, the department may grant permission and waive the lien to the extent necessary for the purpose of effecting the transfer but such lien shall attach to the reinvested property.

Section 9. *Claim and lien; recovery during life of recipient.*

(1) Any claim under the Act may be precipitated and the lien provided by this Act may be enforceable during the lifetime of any person who has received public assistance as needy aged or needy blind, in order to recover any amount obtained as a result of such person knowingly making a false statement or representation or knowingly failing to disclose a fact to procure, increase, or continue any material benefit for himself.

Section 10. *Revolving Fund; deposits.*

The amounts recovered under Sections 7, 8, or 9 of this Act shall be used for the expense and administration of said sections and to reimburse the fund from which the amount recovered was originally disbursed. All money recovered shall be deposited to a special account in the Revolving, Trust and Agency Fund account of the department to be administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. Any balance in this fund shall not lapse at any time but shall be continuously available to the department for the purposes set out in this section. A general statement that all continuing appropriations are repealed shall not be construed as repealing this section.

Section 11. *Standards for public medical and private institutions.*

(1) Each private institution or public medical institution that accepts or has facilities available to public assistance recipients shall make provisions for and comply with reasonable standards established by the department for fire protection and safety, plumbing and sanitation, lighting, heating and ventilation, living arrangements, diet and health facilities, and such other factors

as may be necessary to promote the health and welfare of the residents cared for in such institutions.

(2) The department shall make, or cause to be made, an inspection of such institutions at least once each year and shall prescribe by regulation the manner and form of reports such institutions must file with the department and the records to be kept by such institutions.

If any other state agency or authority is authorized by law to inspect, approve or license any institution as defined by this Act regarding any of the standards established by this Act, the department shall accept such inspections, approvals or license as compliance with such standards. Such other state agency or authority shall, at the request of the department, furnish to the department a report of its findings.

(3) The provisions of this section may be enforced by any remedy at law or in equity.

Section 12.

In addition to any other liability imposed by law, the step-parent of any child who is an applicant or recipient of public assistance shall be legally chargeable with the support of such child in the same manner as a natural parent.

Section 13. *Penalties.*

Section 205.990 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

205.990 *Penalties*

(1) Any person who violates any of the provisions of KRS 205.170 or section 3 of this Act shall be fined not less than $50 nor more than $200 or imprisoned for not more than six (6) months or both.

(2) Any person who knowingly makes a false statement or representation or knowingly fails to disclose a material fact to procure, increase or continue any benefit for himself or another or who willfully violates any of the provisions of KRS 205.160 to 205.250 and this Act, or any rule or regulation thereunder, shall be fined not less than $10 nor more than $50, or imprisoned for not more than 30 days, or both. Each false statement, representa-

tion, failure, or violation and each benefit payment made in reliance on such false statement, representation, failure, or violation shall constitute a separate offense.

Section 14. *Incorporation of this Act in Chapter* 205.

The provisions of KRS 205.160 to 205.250 shall apply to this Act, and wherever in KRS 205.160 to 205.250 reference is made to KRS 205.160 to 205.250 such reference shall be deemed to include the provisions of this Act.

By Senator Moloney.

S. B. No. 102. AN ACT establishing County Social Service Advisory Committee for public assistance and child welfare.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Organization*

(1) There is hereby established for each county in this Commonwealth a Social Service Advisory Committee for the purpose of advising the Department of Economic Security on the administration in each county of the public assistance and child welfare programs.

(2) Each Social Service Advisory Committee shall consist of not less than seven (7) members, each of whom shall be a representative citizen resident in the county.

(3) Members of each Social Service Advisory Committee shall be selected as follows:

(a) The county judge in each county shall either serve as a member or shall select another member of the fiscal court of the county to serve.

(b) The ministers of the county shall nominate one (1) of their number to serve; but if they decline to nominate a member, then the Commissioner of Economic Security shall nominate a minister to serve.

(c) The businessmen of the county through such organization or organizations as they may have or may form for this pur-

pose, including service clubs, shall nominate two (2) of their number to serve; but if they decline to nominate two (2) members, then the Commissioner of Economic Security shall nominate one (1) or (2) businessmen, as the case may be, to serve.

(d) The veterans of the county through such organization or organizations as they may have or may form for this purpose shall nominate one (1) of their number to serve; but if they decline to nominate a member, then the Commissioner of Economic Security shall nominate a veteran to serve.

(e) The women of the county through such organization or organizations as they may have or may form for this purpose, such as a League of Women Voters, Women's Club or Parent Teachers Association, shall nominate two (2) of their number to serve; but if they decline to nominate two (2) members, then the Commissioner of Economic Security shall nominate one (1) or two (2) representative women, as the case may be, to serve.

(f) No nominations from organizations formed for the purpose of providing membership herein shall be accepted by the Commissioner of Economic Security unless either there is no organization in the county representative of the groups herein designated for membership, or there are more organizations in the county representative of the groups herein designated for membership than there are members to be nominated and a special organization is formed from among the several existing organizations to make nominations.

(g) In the event more nominations are received from appropriate organizations than there are members to be nominated, the Commissioner of Economic Security shall request the organizations to agree among themselves to provide the correct number of nominations, but if they do not so agree then the Commissioner of Economic Security shall select the appropriate number of members from among the nominations received.

(4) Each member nominated to the Social Service Advisory Committee shall be appointed by the Governor to serve for a period of four (4) years, the initial term beginning July 1, 1952, and until a successor has qualified, and may be removed by the Governor for good cause only; provided that the county

judge or his representative shall serve during the term for which the county judge is elected or appointed. In the event of a vacancy, nomination for the unexpired term of such vacancy shall be made in accordance with subsection (3) of this section.

(5) The county judge or his representative shall serve as chairman of the committee in his county and shall designate another member of the committee to serve as secretary. Each committee shall meet once each month and at such other times as it may deem necessary.

Section 2. *Functions and duties of committees*

(1) Each committee shall review the public assistance and child welfare program for its county for the purpose of assuring efficient and impartial administration of the programs. To this end local representatives of the Department of Economic Security shall cooperate with each county committee, including the furnishing to the committee of such public assistance records and other information for the county as the committee may deem necessary.

(2) Each committee shall from time to time make such recommendations to the Commissioner of Economic Security as it shall deem necessary.

(3) Meetings of each committee shall be private and no member of any committee shall divulge any information relating to the public assistance and child welfare programs except to those persons authorized by law to receive such information; provided however, that each committee as a group may from time to time issue public statements about the administration in general of the public assistance and child welfare programs in its county and each member may report to his organization about the administration in general of the social service programs in his county, but in no event shall this proviso be construed to authorize the divulgence of the names of any person receiving public assistance or any specific information about any individual cases.

(4) Each committee shall make such rules and regulations for the conduct of its business as it may deem necessary, including rules designed to preserve the confidential nature of its de-

liberations as required in subsection (3) of this section; provided that a quorum shall consist of four (4) members and all action taken shall be by a majority vote of the whole membership.

(5) Members of the several committees shall serve without compensation but shall be reimbursed for all authorized expenses.

Section 3. *Service by interim committees*

(1) The several Social Service Committees now serving pursuant to regulations issued by the Commissioner of Economic Security shall each continue to serve until the committee herein provided for shall be constituted.

By Senator Moloney.

S. B. 103. AN ACT concerning enforceability of contracts of infants executed to obtain benefits of federal law providing for the making or guaranteeing of loans to war veterans.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 384.090 of the Kentucky Revised Statutes is amended to read as follows:

When the repayment, by the borrower, of money advanced or to be advanced under a contract of loan or credit has, on application of the borrower, been made by or guaranteed in whole or in part by the Federal Government or any agency thereof, under authority of federal law enacted for the benefit of war veterans, the borrower shall not thereafter be entitled to avoid the contract on the ground that he was an infant when the contract was made, nor shall he or his spouse be entitled, on the ground of infancy, to avoid any mortgage or other instrument of encumbrance executed contemporaneously with such contract for the purpose of securing the same, nor any contractual transaction in connection with such contract of loan or credit pursuant to which the borrower acquired title to or an interest in the property encumbered to secure the loan or credit. For the purpose of any litigation seeking to enforce the contract of loan or credit, or any encumbrance securing the same; for the purpose of any contract or conveyance executed under a settlement or

refinancing plan approved by the federal authority by which the original loan or guaranty was made; and for the purpose of making and executing any contract or conveyance necessary to the full realization of the rights, privileges and benefits intended to be conferred by the federal law, pursuant to which the loan or guaranty was made, including contracts necessary for the proper utilization of the property acquired with the proceeds of such contract of loan or credit; the borrower and his spouse shall be deemed to be of full age.

By Senator Warinner.

S. B. No. 104. AN ACT making appropriations for the improvement, construction, reconstruction and maintenance of Rural Highways.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated from any money in the State Road Fund for the improvement, construction, reconstruction and maintenance of county roads and bridges, which has not been expended by the Department of Highways for maintenance, the sum of three million dollars for each of the fiscal years, 1952-53 and 1953-54. This appropriation is to be expended in accordance with the provisions of KRS 179.410 to 179.430. Not more than six percent of this appropriation shall be used for administration and this appropriation is in addition to the amount appropriated under KRS 138.220.

Section 2. The appropriations provided for herein shall be in addition to any other appropriations for the same purposes.

By Senator Hanratty.

S. B. No. 105. AN ACT relating to the stealing of cattle.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 433.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the provisions of subsection (2) and (3) of this section, any person who steals cattle, as defined in KRS 446.010, shall be confined in the penitentiary for not less than two nor more than ten years.

By Senator Shaikun.

S. B. No. 106. AN ACT concerning Commonwealth's attorneys, assistant Commonwealth's attorneys, district detectives and stenographers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 69.070 of the Kentucky Revised Statutes is amended to read as follows:

In counties having a population of 200,000 or more, the Commonwealth's attorney shall appoint a first, second and third assistant Commonwealth's attorney for terms of four years each, but they may be removed at any time by the Commonwealth's attorney. In such counties where there are two or more criminal divisions of the circuit court, the Commonwealth's attorney may appoint, in addition to a first, second and third assistant Commonwealth's attorney, such other assistant Commonwealth's attorneys, not to exceed four or a total of seven assistant Commonwealth Attorneys, as the Commonwealth's attorney may deem necessary, one of whom shall act as secretary to the grand jury. The first and second assistant Commonwealth's attorneys shall each receive an annual salary of not less than $5,000 nor more than $6,000. Other assistant Commonwealth's attorneys in counties having two or more divisions of the circuit court, shall receive an annual salary of not less than $4,800. Salaries of assistant Commonwealth's attorneys shall be payable in equal monthly installments out of the county levy. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

Section 2. Section 69.100 of the Kentucky Revised Statutes is amended to read as follows:

In counties having a population of 200,000 or over the Commonwealth's attorney shall appoint three stenographers for terms

of four years subject to removal at any time by the Commonwealth's attorney. Two of the stenographers shall do stenographic work and typewriting for the Commonwealth's attorney and perform other duties assigned to them by the Commonwealth's attorney. They shall each receive an annual salary of not less than $2700. One stenographer shall perform the duties of record clerk and shall receive an annual salary of not less than $3600. The salaries of all stenographers shall be payable out of the county levy in equal monthly installments and such salaries may be increased by the fiscal court in accordance with the provisions of KRS 64.520. The stenographers shall have the same power of administering an oath as a notary public.

Section 3. Subsection (1) of section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more the Commonwealth's attorney shall appoint four district detectives for a term of four years subject to removal at any time by the Commonwealth's attorney. The district detectives shall each be paid a salary of $3,600 annually, paid out of the county levy in equal monthly installments. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

Section 4. The salaries of assistant Commonwealth's attorneys, stenographers and district detectives prescribed by section 1, 2 and 3 of this Act shall be paid notwithstanding the provisions of KRS 64.520.

Section 5. Whereas, in counties having a population of 200,000 or more, an increase in the number of prosecutions in the criminal branch of the circuit courts has necessitated the creation of additional criminal division of such courts; and

Whereas it has been necessary to employ additional assistant Commonwealth's attorneys and stenographers for the conduct of the business of such courts; and

Whereas it is immediately necessary to provide for adequate compensation to such persons;

An emergency is hereby declared to exist and this Act shall become a law immediately upon its passage and approved by the Governor.

By Senator Melton.

S. B. No. 107. AN ACT relating to a sewer district in cities of the second class and in counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any city of the second class and the county containing such city, and their appropriate officers, boards or commissions, shall have all of the rights, powers, privileges, duties and obligations that are given to a city of the first class, and the county containing such city, by KRS 76.010 to 76.210, and all things that are authorized to be done in, by or for a city of the first class, and the countys containing such city, by those sections, may likewise be done in, by or for a city of the second class and the county containing such city, subject to the same terms, conditions and restrictions. For this purpose, any powers or duties vested in a named officer, board or commission of a city of the first class, and the county containing such city, by those sections, shall be deemed to be vested in the corresponding officer, board or commission of a city of the second class and the county containing such city.

By Senator Wagner.

S. B. No. 108. AN ACT changing the classification of the City of Lakeside Park, in Kenton County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Lakeside Park, in Kenton County, is such as to justify its being assigned to the fifth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Lakeside Park, in Kenton County, is transferred from the sixth to the fifth class of cities.

By Senator Losey.

S. B. No. 109. AN ACT relating to teachers' retirement benefits.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

* * * *

(3) Effective July 1, 1952, and including living retired members and members who retire subsequently, no retirement allowance shall be less than one hundred dollars per year and not less than sixteen dollars per service credit year at the time of retirement, but such total minimum allowance shall not be more than four hundred and eighty dollars per year, except that, notwithstanding the thirty year prior service restriction, for members who can show satisfactory proof that they have had at least fifty years' teaching service the total minimum allowance shall be seven hundred and twenty dollars per year. Any retirement allowance which has been or will be computed to be less than this minimum shall be increased to said minimum.

By Senator McCann.

S. B. No. 110. AN ACT concerning the state flower of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 2.090 of the Kentucky Revised Statutes is amended to read as follows:

"The Dogwood, either white or pink, is the official state flower of Kentucky."

By Senator Melton.

S. B. No. 111. AN ACT relating to the sale of boats and motor vehicles for the purpose of recovering charges and de-

ferred purchase money due thereon, amending section 376.280 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 376.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any boat or motor vehicle remaining in the possession of a person who has sold the same and to whom deferred purchase money has been part due and owing thereon for a period of more than sixty days, and any boat or motor vehicle remaining in the possession of a person who has made repairs, performed labor or furnished accessories or supplies therefor and to whom the charges for such repairs, labor, accessories or supplies has been owing for a period of more than thirty days, may be sold to pay such deferred purchase money or charges. The proposed sale shall be advertised at least three times in some newspaper of general circulation in the city or county where the original sale was effected or where the materials were furnished or where the labor was performed, the last such advertisement to be made at least six days before the sale is held, and notice thereof shall be sent by registered mail to the owner of the boat or motor vehicle and to any other person known to have any interest therein, addressed to such persons at their last known addresses, at least ten days before the sale is held.

(2) The term "boat," as used in subsection 1, means any watercraft not enumerated in subsection (1) of KRS 376.360 and sloops having an overall length of forty feet or less.

Ordered that a resolution and said bills be printed and referred.

Senator Duffy moved that the rules of the Senate be suspended for the purpose of introducing a resolution of the following title:

S. Res. No. 10. A JOINT RESOLUTION authorizing Harry Bowman to file suit against the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and

Mental Hygiene, and Central State Hospital, or any one or more of them.

Said motion was agreed to.

Said resolution is as follows, viz:

WHEREAS, on July 12, 1949, Harry Bowman, a resident of Middletown, Jefferson County, Kentucky, was seriously and permanently injured while operating a power driven sauerkraut cutter at Central State Hospital in Jefferson County, Kentucky. Said Central State Hospital at Lakeland, Kentucky, is and was a state institution under the control of the Division of Hospitals and Mental Hygiene, which is and was a Division of the State Department of Welfare, and said State Department of Welfare is an authorized agency of the Commonwealth of Kentucky. While working as an operator of a power driven sauerkraut cutter, said Harry Bowman was injured as the result of the negligence and carelessness of the Central State Hospital, the Division of Hospitals and Mental Hygiene, the State Department of Welfare and the employes and agents of the Commonwealth of Kentucky in their failure to furnish him with safe equipment and a safe place in which to work. Said Harry Bowman was injured when said power driven sauerkraut cutter and motor exploded and portions of said cutter and motor struck Harry Bowman on the head and forehead, right eye, and upon the skull, and his right shoulder and arm. Said power driven sauerkraut cutter and motor were defective and unsuited for the work for which used and lacked the necessary safety guards.

WHEREAS, his injuries and damages are in an amount greater than $5,000 and, therefore, his claim is not one that can be adequately brought before the Board of Claims as provided in KRS 44.070.

NOW, in order that Harry Bowman may have his day in court to determine by judicial action the question of negligence, if any, causing injuries aforesaid,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Harry Bowman or, in the event of his death before or

during the prosecution of this action to its final conclusion, his executor or administrator or, in the event that he becomes incompetent as the result of this injury, his committee be and he is hereby empowered and authorized to sue the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital or any one or more of them, in Jefferson Circuit Court or the Franklin Circuit Court, for damages resulting from personal injuries, medical expense and lost time caused by alleged negligence on the part of the employes of the Commonwealth of Kentucky, the State Department of Welfare, State Division of Hospitals and Mental Hygiene, and Central State Hospital while said employes were in the line of duty as agents of the Commonwealth of Kentucky and while acting within the scope of their authority.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable. Said suit shall not be for a sum in excess of $25,000.00.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

The statute of limitations shall not begin to run in favor of the Commonwealth until this act becomes effective.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be printed and deferred.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 68. AN ACT relating to motor transportation and motor vehicles.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 69. AN ACT relating to reciprocal tax exemptions for nonresident motor carriers.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 70. AN ACT relating to motor transportation and motor vehicles.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as

to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 87. AN ACT to amend sub-section (c) of Section 3 of Senate Bill No. 1, Passed by the General Assembly of the Commonwealth of Kentucky at its extraordinary session, 1951, and declaring an emergency to exist.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 85. AN ACT relating to control of Black Shank and other diseases of tobacco and to appropriate money for that purpose.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 80. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals, and making an appropriation therefor.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 21. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 63. AN ACT relating to rules of pleading, practice, and procedure, and the forms thereof in civil actions and with limited application, in criminal proceedings.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 40. AN ACT changing the classification of the City of Jeffersontown, in Jefferson County.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second

reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 19. AN ACT relating to time.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 43. AN ACT to amend KRS 74.020 to authorize an increase in the salaries of water district commissioners.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 12. AN ACT relating to real estate brokers and salesmen.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 24. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restrictions on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the orders of the day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 6. AN ACT relating to Offenses against Property by Fraud, amending Section 434.070 of the Kentucky Revised Statutes.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the orders of the day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

Senator Thomas moved that S. B. No. 38, with amendments, be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Thereupon the Senate took up for consideration from the Orders of the Day said bill entitled as follows, viz:

S. B. No. 38. AN ACT relating to mechanics' and materialmen's liens.

With the following amendments, viz:

No. 1. On page 2, section 2, line 32: (Printed copy of SB No. 38)

Omit comma following "according"

No. 2. On page 3, section 2, line 42: (Printed copy of SB No. 38)

By inserting a comma after the word "shall".

Senator Thomas moved that the Senate do adopt said amendment No. 1.

Said motion was agreed to.

Senator Thomas moved that the Senate do adopt amendment No. 2.

Said motion was agreed to.

Thereupon said amendments were adopted.

Senator Thomas moved the previous question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	Bert Kiser	Cortis K. Stacy
Louis Cox	James Lassiter	Paul Stapleton
Archie Craft	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Earl F. Martin	Ed P. Warriner
Julian Golden	Strother Melton	John M. Williams
James P. Hanratty	Richard P. Moloney	E. V. Withers
Doug Hays	O. W. Montgomery	
Stanley Hoffman	Freeman Robinson	—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill,

with amendments, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now recess until 2 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and called the Senate to order.

COMMITTEE ON COMMITTEES REFERS BILLS TO COMMITTEES

Senator Moloney, Chairman of the Committee on Committees, reported that the following bills had been referred, viz:

House Bills Nos. 62, 68, 69, 72, 73, 74 to Kentucky Statutes No. 2.

House Bill No. 66 to Committee on Revenue and Taxation.

House Bill No. 36 to Kentucky Statutes No. 1.

REPORTS OF COMMITTEES

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported bills of the following titles, viz:

H. B. No. 62. AN ACT relating to narcotic drugs, amending Section 218.210 of the Kentucky Revised Statutes.

H. B. No. 68. AN ACT to repeal, amend and re-enact Section 382.300, Kentucky Revised Statutes.

H. B. No. 69. AN ACT relating to income taxation.

H. B. No. 72. AN ACT relating to the births and deaths, amending section 213.150 of the Kentucky Revised Statutes.

H. B. No. 73. AN ACT relating to the Kentucky Water Pollution Control Commission.

H. B. No. 74. AN ACT relating to the Workmen's Compensation Act authorizing the Tuberculosis Sanatoria Commission to elect to come under the provisions of the Act.

With the expression of opinion that said bills should pass.

Whereupon, said bills were each and severally read at length and

Ordered placed in the Calendar.

Senator Mansfield, Chairman of the Committee on Rural Roads and Highways, to which same had been previously referred, reported a bill of the following title, viz:

S. B. No. 41. AN ACT relating to the creation and establishment of public road districts in counties containing cities of the first class and in cities of the sixth class located in counties containing cities of the first class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length and

Ordered placed in the Calendar.

Senator Moloney moved that S. B. No. 6 be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Thereupon the Senate took up for consideration from the Orders of the Day said bill entitled as follows, viz:

S. B. No. 6. AN ACT relating to Offenses against Property by Fraud, amending Section 434.070 of the Kentucky Revised Statutes.

Senator Warinner moved the previous question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected,

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and was rejected.

Those who voted in the affirmative were:

Augustus Cornett	O. W. Montgomery	Sylvester Wagner
Homer E. Losey	Otis C. Thomas	Ed P. Warriner
James R. Mansfield	Wendell Van Hoose	—8

Those who voted in the negative were:

Stanley H. Blake	Julian Golden	William J. Sample
Bernard J. Bonn	Stanley Hoffman	Leon Shaikun
Eugene H. Clark	Alvin Kidwell	Cortis K. Stacy
Louis Cox	Bert Kiser	Paul Stapleton
Archie Craft	Earl F. Martin	John M. Williams
Martin J. Duffy	Strother Melton	E. V. Withers
Ernest M. Ford	Richard P. Moloney	—20

Thereupon said bill was rejected.

Senator Moloney moved that the Senate do now adjourn until 10 A.M., February 1, 1952.

Said motion was agreed to.

And then the Senate adjourned.

FRIDAY, FEBRUARY 1, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Revered W. B. Campbell of the Methodist Church, of Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Martin J. Duffy	Doug Hays
Eugene H. Clark	Wayne Freeman	Dr. J. E. Johnson
Augustus Cornett	Julian Golden	Alvin Kidwell
Louis Cox	James P. Hanratty	James Lassiter

Homer E. Losey	Leon Shaikun	Sylvester Wagner
C. W. A. McCann	Cortis K. Stacy	Ed P. Warriner
James R. Mansfield	Paul Stapleton	John M. Williams
Richard P. Moloney	Wendell Van Hoose	E. V. Withers
Freeman Robinson		—25

The following Senators were absent—

Bernard J. Bonn	Bert Kiser	Jack R. Reynolds
Archie Craft	Earl F. Martin	Wm. J. Sample
Ernest M. Ford	Strother Melton	Clay Shackelford
Thomas Hines	O. W. Montgomery	Otis C. Thomas
Stanley Hoffman		—13

Senator Wagner moved that the reading of the Journal of the Senate of the proceedings of Thursday, January 31, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Wagner moved that all absent members be granted leaves of absence.

Said motion was agreed to.

The Speaker of the House, the Honorable Emerson Beauchamp, vacated the chair, whereupon Senator Stapleton took the chair and presided.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Stapleton.

S. B. No. 112. AN ACT relating to county police.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 70.540 of the Kentucky Revised Statutes is amended to read as follows:

The county courts of the respective counties shall have and are hereby given the power, jurisdiction and authority to establish, appoint and maintain a county police force within their re-

spective counties, all of the members and officers of which shall have and are hereby given jurisdiction coextensive with the whole county for which they are appointed. Such police force may consist of a chief and such member, rank and grade subordinate to the chief, and such clerical and skilled employes as the county court shall deem proper. All of the members and employes of the county police force shall be appointed by the county court and shall serve for a term of one year from the date of their respective appointments, unless sooner removed by the county court for neglect of duty or improper conduct. All members of the force shall be citizens of the United States not less than twenty-one years of age and shall have been bona fide residents of the county in which they are appointed for not less than one year before their appointment. None but discreet and sober persons shall be appointed to any position on said county police force. Each of the members of the said county police force shall take an oath, before the judge of the county court of their county, to faithfully, impartially and diligently perform the duties of their respective offices. Provided, however, that the chief officer of the county police force of any county may be designated, in the discretion of the county court of said county, as captain or any other appropriate title, and such county police force in any county may consist of one or more commanding officers, as the county court of such county may deem proper or adequate.

Section 2. Section 70.560 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal court may provide for motor vehicles, stations, substations, places of detention, telephone, wireless, radio or other means of communication and make appropriate levy and appropriation therefor, and may also, with the approval of the county court, direct the amount of bond to be required of each member of the county police force. The fiscal court may provide for the payment of premiums on such bonds out of funds appropriated for the county police force.

Section 3. Section 70.570 of the Kentucky Revised Statutes is amended to read as follows:

The said chief, and all other appointees assigned to patrol or police duties are hereby declared to be peace officers and con-

servators of the public peace whose duties are to conserve the peace, enforce all laws and preserve order and shall have and are hereby given the same right and the same power to arrest, search and seize as is now given by law to sheriffs of this Commonwealth, and they shall be at all times subject to the orders of the sheriff of the county in matters of law enforcement, patrol and investigation. Provided, however, that the members of said county police force shall not have power to serve subpoenas, summonses and notices in civil cases.

By Senator Moloney.

S. B. No. 113. AN ACT relating to education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 156.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Education shall consist of the State Board of Education and the Superintendent of Public Instruction, who shall be the head of the Department.

(2) The Department of Education shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, of vocational education and rehabilitation of West Kentucky Vocational School, and of the Kentucky School for the Blind.

(3) The Board of Commissioners of the Kentucky School for the Deaf and the State Textbook Commission are included in the Department of Education and constitute divisions thereof, but each shall continue to exercise all the functions conferred upon it by law.

Section 2. Section 156.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Board of Education shall have the management and control of the common schools, public vocational education and vocational rehabilitation, West Kentucky Vocational School, and the Kentucky School for the Blind.

(2) The State Board of Education may, on the recommendation and with the advice of the Superintendent of Public Instruction, prescribe, print, publish and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations of the board shall be published before they will be deemed in full force and effect.

(3) In its capacity as a board of control for the West Kentucky School, the board may receive by any legal mode of conveyance, and hold and enjoy, property of any description.

Section 3. Section 156.130 of the Kentucky Revised Statutes is amended to read as follows:

The Superintendent of Public Instruction shall be the executive officer of the State Board of Education in its administration of all public education placed under its management and control, and shall perform such duties as are assigned to him by the board. He shall be responsible for the administration of the Department of Education. He shall execute, under the direction of the State Board of Education, the educational policies decided upon by the board, and shall direct, under general rules and regulations adopted by the board, the work of all persons engaged in the administration of the common schools and public vocational education and vocational rehabilitation. He may clothe his assistants with full power of attorney to act for him in the supervision, inspection and administration of the schools over which he has supervisory and administrative control.

Section 4. Section 156.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Superintendent of Public Instruction shall annually prepare or cause to be prepared, and submit for approval and publication by the State Board of Education, a list of all public and private high schools or other secondary schools in the state, showing the classification of each.

(2) He shall, from time to time, prepare or cause to be

prepared, and submit for approval and publication by the State Board of Education, such bulletins, programs, outlines of courses, placards, and courses of study as he deems useful in the promotion of the interest of the public schools, vocational education and vocational rehabilitation.

(3) He shall also prepare for publication by the State Board of Education the rules, regulations, minimum standards for schools and educational policies or programs adopted by the board for the operation, regulation and government of the schools under its supervision.

Section 5. Section 164.010 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a Council on Public Higher Education in Kentucky, to be composed of the president or chief executive officer of the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College and Kentucky State College; a member, other than the Superintendent of Public Instruction, of the board of regents of each of the state colleges to be selected by the board of regents of each state college; three appointive members of the board of trustees of the University of Kentucky to be selected by the board of trustees of the University; two lay members of the State Board of Education to be selected by the State Board of Education; the dean of the College of Education of the University of Kentucky; and the Superintendent of Public Instruction, who shall be chairman of the Council. When the Council meets to consider curricula for teacher training, three persons who are from accredited institutions of higher learning, who are not members of the Council, and who have been appointed by the Executive Committee of the Association of Kentucky Colleges and Universities, shall be invited to meet with the Council in an advisory capacity.

Section 6. The introductory phrase and subsection (1) of Section 164.020 of the Kentucky Revised Statutes is amended to read as follows:

The Council on Public Higher Education in Kentucky shall:

(1) Coordinate the work and determine the curricular

offerings of the state institutions of higher learning in Kentucky, on the basis of efficiency and economy.

Section 7. Section 164.030 of the Kentucky Revised Statutes is amended to read as follows:

The governing board of each of the state institutions of higher learning shall make such changes or adjustments in the curricula and such rules and regulations affecting their schools as are necessary to carry out and put into effect the rulings of the Council on Public Higher Education in regard to curricular offerings, entrance fees and qualifications for admission to and reports from their respective institutions.

Section 8. Section 164.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) The state colleges formerly designated as the state teachers colleges shall hereafter be known as the Eastern State College, located at Richmond, Kentucky, Western Kentucky State College, located at Bowling Green, Kentucky, Murray State College, located at Murray, Kentucky, and Morehead State College, located at Morehead, Kentucky, and under such names are recognized as established and maintained.

(2) Kentucky State College located at Frankfort, Kentucky, is a land-grant state college and, as such, all the provisions of KRS Chapter 164, with the exception of the provision of KRS 164.320 concerning the appointment of the initial board of regents, applying to the other four state colleges shall likewise apply to Kentucky State College.

Section 9. A new section of the Kentucky Revised Statutes, to be numbered 164.305, is created to read as follows:

The Kentucky State College shall maintain a department of agriculture and the mechanic arts, and for that purpose is entitled to receive and shall receive an equitable portion of the money appropriated to the state by an Act of Congress approved August 30, 1890.

Section 10. Section 164.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of regents for each of the state colleges shall consist of the Superintendent of Public Instruction, who shall be chairman of each board, and four members appointed by the Governor. The appointive members shall hold office for a term of four years from April 1 succeeding their appointment and until their successors are duly appointed and qualified. The appointments shall be made at the expiration of the terms of the members appointed pursuant to Chapter 65 of the Acts of 1934, and thereafter as the terms expire. Not more than two appointive members of any board shall be residents of one county, and not more than three members of any board, including the Superintendent of Public Instruction, shall belong to the same political party. No member of any board shall be held to be a public officer by reason of his membership on the board, nor shall membership on the board be incompatible with any public office. Appointments to fill vacancies shall be made in the same manner as regular appointments. The person appointed shall hold the position for the unexpired term. Each appointed member of each board shall, at the first meeting following his appointment, take an oath to faithfully discharge his duties.

(2) Forthwith upon the taking effect of this Act, the Governor shall appoint four members of the Board of Regents of Kentucky State College. One member shall serve until April 1, 1953, one until April 1, 1954, one until April 1, 1955, and one until April 1, 1956. Thereafter members shall serve for terms of four years and until their successors are appointed and qualify.

Section 11. Section 164.480 of the Kentucky Revised Statutes is amended to read as follows:

Every person who was engaged in any branch of the military or naval service of the United States, prescribed and classified by the United States War Department as a part of such service, during the wars that were declared on April 6, 1917, and any wars declared thereafter, respectively, and who at the time of his enlistment was a resident of Kentucky, is entitled to a free scholarship in any state higher educational institution that he chooses for a period required for the completion of the course of study selected by him. The scholarship includes free tuition,

matriculation and other fees, room rent, fuel and lights, and the advantages and privileges of the institution, but does not include free board. Provided, however, that if the Federal Government provides for the education of veterans of any of the wars herein referred to, then this section shall not apply to such veterans.

Section 12. Section 164.520 of the Kentucky Revised Statutes is amended to read as follows:

The bond issued by the Commissioners of the Sinking Fund to themselves as trustees for the Agricultural and Mechanical College of Kentucky and the State Normal School for Colored Persons of Kentucky, bearing date July 1, 1897, for the sum of $165,000 and bearing interest at the rate of six percent, payable semiannually, remains in force and constitutes a perpetual obligation of the Commonwealth, and the interest thereon is a perpetual charge upon the treasury. The Department of Finance shall, on the first day of January and on the first day of July each year, draw its warrant on the State Treasurer for the sum of $627.75 in favor of the treasurer of Kentucky State College, and its warrant rant on the State Treasurer for the sum of $4,322.25 in favor of the treasurer of the University of Kentucky.

Section 13. Section 166.010 of the Kentucky Revised Statutes is amended to read as follows:

The West Kentucky Vocational School, located at Paducah, is recognized as established and maintained. It shall be maintained by the state with such endowments, incomes, buildings and equipment as will enable it to do such work as is done in other institutions of corresponding rank and kind. The State Board of Education is vested with all powers and duties, not inconsistent with this chapter, held by the former board of trustees of the Western Kentucky Industrial College, and with all records and property held by such board or acquired by the State Board of Education for the benefit of the institution recognized by this section.

Section 14 Section 166.040 of the Kentucky Revised Statutes is amended to read as follows:

The purpose of the West Kentucky Vocational School is to

make available facilities for vocational training for colored children to be carried on in accordance with the state plans for vocational education.

Section 15. Section 166.050 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall appoint a president for the West Kentucky Vocational School, and determine his salary and tenure of office. The term shall not exceed four years. Upon recommendation of the president, the State Board of Education shall appoint and determine the salaries, duties and official relations of all officers, teachers and other employees necessary for the successful operation of the school.

Section 16. Section 166.060 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may remove the president, and upon recommendation of the president shall remove any officer, teacher or other employee, but neither the president nor any other officer or teacher shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct. Neither the president nor any other officer or teacher shall be removed until after ten days' notice in writing stating the nature of the charges preferred, and until after an opportunity has been given him to make defense before the board by counsel or otherwise, and to introduce testimony which shall be heard and determined by the board.

Section 17. Section 166.070 of the Kentucky Revised Statutes is amended to read as follows:

In the administration of the affairs of the West Kentucky Vocational School the president of the institution is the executive agent of the State Board of Education, and has general supervision, subject to the control of the board, of all educational and business affairs and disciplinary problems of the institution.

Section 18. Section 166.080 of the Kentucky Revised Statutes is amended to read as follows:

The secretary of the State Board of Education shall serve as secretary of the board and the State Treasurer shall serve as

treasurer of the board in its administration of the West Kentucky Vocational School. The secretary shall prepare and keep all records, books and papers belonging to the board in its administration of said school. He shall keep a journal of the proceedings of the board in which, if requested by any member of the board, the "yeas" and "nays" on all questions shall be entered. He shall prepare, under the direction of the board, all reports and estimates.

Section 19. Section 166.090 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall meet at least once each year at the West Kentucky Vocational School for the purpose of inspecting the plant and observing the work and the needs of the school.

Section 20. Section 166.100 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may purchase, hold and sell real and personal property in the name of the Commonwealth for the use and benefit of the West Kentucky Vocational School and may condemn real estate in the manner provided by KRS 416.010 to 416.080. The board may construct improvements and do all things it deems necessary in carrying out the purposes for which the school is maintained. Revenue accruing by reason of the sale or conveyance of any real estate or building owned by it shall be reinvested in other real estate and buildings for use of the school. All appropriations, grants, bequests or donations for a specified use shall be applied to that use and no other.

Section 21. Section 166.110 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education shall adopt such rules and regulations as it deems proper for the government of the West Kentucky Vocational School and for the guidance of its employees and students. It may require of the president, teachers or other officers such reports as it deems necessary. All existing rules and regulations made by the preceding board of trustees shall remain in force until repealed by order of the State Board of Education.

Section 22. Section 166.120 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may determine the number of departments of study, and shall prescribe the curricula for the West Kentucky Vocational School. The board may issue certificates or diplomas of graduation to students completing the prescribed curricula.

Section 23. Section 166.140 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Education may invest the faculty or a committee of the faculty with power to suspend or expel any pupil for insubordination, immoral conduct, or disobedience of the rules and regulations of the school. The student suspended or expelled may appeal from the decision of the faculty, to the State Board of Education. The decision of the State Board of Education shall be final.

Section 24. Section 166.150 of the Kentucky Revised Statutes is amended to read as follows:

Tuition in the West Kentucky Vocational School shall be free to all colored residents of Kentucky. The State Board of Education shall fix the rate of tuition and the conditions on which pupils who are not residents of Kentucky may be admitted. The Board shall fix such incidental fees as it deems necessary to meet such incidental expenses as may be incurred.

Section 25. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Lincoln Institute in Shelby County, Kentucky, is hereby transferred to and shall become a part of Kentucky State College which shall continue to maintain and operate it as a high school for the benefit of Negro children of the Commonwealth who do not otherwise have the opportunities to attend an approved high school. The Board of Regents, acting through the president of Kentucky State College, shall determine who may attend Lincoln Institute in accordance with rules and regulations adopted by said Board and approved by the State Board of Education. In addition, Kentucky State College shall continue to

maintain and operate Lincoln Institute as a model and practice school under the supervision of thoroughly trained teachers for the purpose of giving observation and practice work to student teachers.

(2) All appropriations heretofore or hereafter made to Lincoln Institute shall be transferred to and made available to the Board of Regents of Kentucky State College for the purpose of maintaining and operating Lincoln Institute.

Section 26. Sections 166.020, 166.030, 166.130 and 166.180 of the Kentucky Revised Statutes are repealed.

By Senator Hanratty.

S. B. No. 114. AN ACT relating to judicial consultants of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created the office of Judicial Consultant of the Commonwealth of Kentucky.

Section 2. Each person, who after the effective date of this Act, has served as a regular circuit judge in this Commonwealth, and whose total service as a regular circuit judge is as much as six years, and who has reached a minimum of sixty-five years of age shall be eligible for appointment as a Judicial Consultant of the Commonwealth.

Section 3. Application for appointment as a Judicial Consultant shall be made to the Court of Appeals upon such forms and in such manner as may be prescribed therefor by the Court of Appeals. The Court of Appeals shall initially appoint as a Judicial Consultant each person eligible therefor.

Section 4. Judicial Consultants shall perform such duties as may be assigned them by the Court of Appeals, and shall not hold any other public office or otherwise engage in the practice of law during their tenure as Judicial Consultants. Should any Judicial Consultant fail or neglect, without cause, to perform any duties assigned to him, the Court of Appeals shall forthwith re-

move him from his office by entering an order on its records, copies of which shall be transmitted to the person removed and the Department of Finance.

Section 5. Each Judicial Consultant shall be paid an annual salary equal to three per centum of the current annual salary paid by the State to regular circuit judges for each year, or major fraction thereof, of service as a regular circuit judge prior to attainment of seventy years of age; provided that the number of years of service to be used in computing the compensation payable shall not exceed twenty-four. A Judicial Consultant who serves as a special judge shall receive the compensation herein provided for and his expenses, if his service as a special judge requires that he be away from the place of his residence, but shall not receive a per diem.

Senator Stapleton vacated the chair, whereupon the Speaker of the House, Honorable Emerson Beauchamp, resumed the chair and presided over the Senate.

REPORTS OF COMMITTEES

Senator Montgomery, Chairman of the Committee on Kentucky Statutes No. 1, to which said bill had been previously referred, reported bills of the following titles, viz:

S. B. No. 84. AN ACT amending Section 271.445 of the Kentucky Revised Statutes.

H. B. No. 36. AN ACT relating to time.

With the expression of opinion that said bills should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 62. AN ACT relating to narcotic drugs, amending section 218.210 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 68. AN ACT to repeal, amend and re-enact Section 382.300, Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 69. AN ACT relating to income taxation.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 72. AN ACT relating to births and deaths, amending section 213.150 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 73. AN ACT relating to the Kentucky Water Pollution Control Commission.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 74. AN ACT relating to the Workman's Compensation Act authorizing the Tuberculosis Sanatoria Commission to elect to come under the provisions of the Act.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 41. AN ACT relating to the creation and establishment of public road districts in counties containing cities of the first class and in cities of the sixth class located in counties containing cities of the first class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 24. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 68. AN ACT relating to motor transportation and motor vehicles.

Senator Cox moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision

as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

H. Stanley Blake	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	Homer E. Losey	Paul Stapleton
Louis Cox	C. W. A. McCann	Wendell Van Hoose
Martin J. Duffy	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warriner
Julian Golden	O. W. Montgomery	John M. Williams
James P. Hanratty	Freeman Robinson	E. V. Withers
Dr. J. E. Johnson	William J. Sample	—26

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 69. AN ACT relating to reciprocal tax exemptions for nonresident motor carriers.

Senator Cox moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

H. Stanley Blake	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	Homer E. Losey	Paul Stapleton
Louis Cox	C. W. A. McCann	Wendell Van Hoose
Martin J. Duffy	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warriner
Julian Golden	O. W. Montgomery	John M. Williams
James P. Hanratty	Freeman Robinson	E. V. Withers
Dr. J. E. Johnson	William J. Sample	—26

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 70. AN ACT relating to motor transportation and motor vehicles.

Senator Cox moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

H. Stanley Blake	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	Homer E. Losey	Paul Stapleton
Louis Cox	C. W. A. McCann	Wendell Van Hoose
Martin J. Duffy	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warriner
Julian Golden	O. W. Montgomery	John M. Williams
James P. Hanratty	Freeman Robinson	E. V. Withers
Dr. J. E. Johnson	William J. Sample	—26

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that S. B. No. 87 be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Thereupon the Senate took up for consideration from the Orders of the Day said bill entitled as follows, viz:

S. B. No. 87. AN ACT to amend subsection (c) of Section 3 of Senate Bill No. 1, passed by the General Assembly of the Commonwealth of Kentucky at its extraordinary session, 1951, and declaring an emergency to exist.

Senator Cox moved the Previous Question.

Whereupon the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length for the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

H. Stanley Blake	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	C. W. A. McCann	Paul Stapleton
Louis Cox	James R. Mansfield	Wendell Van Hoose
Martin J. Duffy	Richard P. Moloney	Sylvester Wagner
Wayne Freeman	O. W. Montgomery	John M. Williams
Julian Golden	Freeman Robinson	E. V. Withers
James P. Hanratty	William J. Sample	—23

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 85. AN ACT relating to control of Black Shank and other diseases of tobacco and to appropriate money for that purpose.

Senator Williams moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

H. Stanley Blake	Alvin Kidwell	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Wayne Freeman	James R. Mansfield	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warriner
James P. Hanratty	O. W. Montgomery	John M. Williams
Dr. J. E. Johnson	Freeman Robinson	E. V. Withers

—24

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill

was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 80. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals, and making an appropriation therefor.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 21. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 63. AN ACT relating to rules of pleading, practice, and procedure, and the forms thereof in civil actions and with limited application, in criminal proceedings.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 40. AN ACT changing the classification of the City of Jeffersontown, in Jefferson County.

Senator Robinson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

H. Stanley Blake	James Lassiter	Leon Shaikun
Augustus Cornett	Homer E. Losey	Cortis K. Stacy
Louis Cox	C. W. A. McCann	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Richard P. Moloney	Sylvester Wagner
Julian Golden	O. W. Montgomery	Ed P. Warinner
James P. Hanratty	Freeman Robinson	John M. Williams
Dr. J. E. Johnson	William J. Sample	E. V. Withers
Alvin Kidwell		

—25

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 19. AN ACT relating to time.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 43. AN ACT to amend KRS 74.020 to authorize an increase in the salaries of water district commissioners.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that S. B. No. 12, with Committee Amendments, be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Thereupon the Senate took up for consideration from the Orders of the Day said bill entitled as follows, viz:

S. B. No. 12. AN ACT relating to real estate brokers and salesmen.

With the following Committee Amendment, viz:

By striking on page 3 from section 5 on line 5 the words "The bond shall be executed by" and inserting in lieu thereof the following: "The bond shall be a cash bond or a surety bond and, if the latter, shall be executed by".

Senator Stapleton moved that the Senate do now adopt said amendment.

Said motion was agreed to.

Thereupon said amendment was adopted.

Also with the following committee amendment, viz:

By adding a new section at the end of the bill, on page 3, which new section shall read as follows:

Section 6. This Act shall apply only to real estate brokers and real estate salesmen who operate in any city of the first, second or third class, or within five miles from the corporate limits thereof.

Senator Stapleton moved that the Senate do now adopt said amendment.

Said motion was agreed to.

And thereupon said amendment was adopted.

Senator Stapleton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with committee amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with Committee amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with Committee Amendments, having been dispensed with, said bill, with Committee Amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with Committee Amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	C. W. A. McCann	Paul Stapleton
Louis Cox	James R. Mansfield	Wendell Van Hoose
Martin J. Duffy	Richard P. Moloney	Sylvester Wagner
Wayne Freeman	O. W. Montgomery	Ed P. Warinner
Julian Golden	Freeman Robinson	John M. Williams
James P. Hanratty	William J. Sample	E. V. Withers
Dr. J. E. Johnson		—25

Resolved that the title thereof be as aforesaid.

Senator Stapleton moved that the vote by which said bill, with Committee Amendments, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that S. B. No. 43, with Committee Amendments, be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Thereupon the Senate took up for consideration from the Orders of the Day said bill entitled as follows, viz:

S. B. No. 43. AN ACT to amend KRS 74.020 to authorize an increase in the salaries of water district commissioners.

With the following Committee Amendment, viz:

Amend Senate Bill No. 43 by striking out the following words on line 5 "less than $200.00 nor".

Senator Duffy moved that the Senate do now adopt said amendment.

Said motion was agreed to.

Senator Duffy moved the previous question.

Whereupon the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with Committee Amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with Committee Amendment, be dispensed with, and that same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with Committee Amendment, having been dispensed with, said bill, with Committee Amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with Committee Amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	Homer E. Losey	Paul Stapleton
Louis Cox	C. W. A. McCann	Wendell Van Hoose
Martin J. Duffy	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
James P. Hanratty	Freeman Robinson	E. V. Withers
Dr. J. E. Johnson	William J. Sample	—26

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with Committee Amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had adopted resolutions and bills which originated in that body of the following titles, viz:

H. RES. No. 5. A JOINT RESOLUTION petitioning Congress to retain within Boone County, Kentucky the airport owned by Kenton County, Kentucky and known as the Kenton County Airport and to retain all United States Air Force installations located there.

Said resolution is as follows, viz:

WHEREAS, the general welfare of Northern Kentucky is dependent upon the full scale operation of the Kenton County Airport, and

WHEREAS, all the People of the State of Kentucky benefit from the economic well-being of any of its sections, and

WHEREAS, widespread unemployment will develop in Northern Kentucky if the present situation is changed, and

WHEREAS, Air transportation will be seriously curtailed within this state

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The U. S. Congress is hereby requested to retain within Boone County, Kentucky the airport owned by Kenton county, Kentucky and known as the Kenton County Airport and to retain all United States Air Force installations located there.

H. RES. No. 9. A JOINT RESOLUTION memorializing Congress to continue to maintain and operate certain improvements in the Kentucky River.

Said resolution is as follows, viz:

WHEREAS, the United States Corps of Engineers has given notice that Locks and Dams 8 through 14 on the Kentucky River will no longer be operated and maintained by that Division after June 30, 1952, unless the reported prospective benefits from the use of those navigation structures by commerce and navigation are reasonably assured and sufficient to justify the cost of operation and maintenance thereof; and

WHEREAS, the Kentucky River Collieries Company has

leased 5,000 acres of coal land, made contracts for the mining thereof, started construction work on a barge loading tipple at Beattyville, Kentucky, and executed contracts for barge service, all of which represents an investment of more than $500,000; and

WHEREAS, the Falls City Boat Works of Louisville, Kentucky, has purchased two tugs and ordered six special barges to fulfill its obligations under the contract with Kentucky River Collieries Company, representing an investment of approximately $70,000; and

WHEREAS, numerous other commercial enterprises are in the planning stages all of which, together with the indicated operations of the Kentucky River Collieries Company and the Falls City Boat Works, depend almost completely upon the continued maintenance and operation of Locks and Dams 8 through 14 on the Kentucky River; and

WHEREAS, the abandonment of the commercial enterprises set out herein would have a most depressing effect upon the present and contemplated economy of the Upper Kentucky River Valley,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Congress of the United States is hereby requested to continue the maintenance and operation of Locks and Dams Nos. 8 through 14 on the Kentucky River.

That the Clerk of the House of Representatives is directed to forward copies of this Resolution to each member of Congress from Kentucky and to the Clerks of the Senate and House of Representatives of the Congress of the United States.

H. B. No. 1. AN ACT relating to the issuance of duplicate game, hunting, and fishing licenses and tags, where such original license or tag is lost or destroyed; providing fees for such duplicate.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. If any game, hunting or fishing license certificate or tag provided for in Chapter 150, Kentucky Revised Statutes, is lost or destroyed, the person to whom such game, hunting or fishing license or tag was issued may obtain a duplicate or substitute by applying in person to the County Court Clerk of the County in which such original license certificate or tag was issued, furnishing proof satisfactory to the Clerk that the license certificate or tag has been lost or destroyed, and payment of twenty-five (25c) cents, which shall be retained by the Clerk.

H. B. No. 11. AN ACT relating to terms of court in the Fifteenth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (15) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed.

* * * * *

(15) *Fifteenth District.* Boone County, at Burlington, on the second Monday in April, August and December, twelve juridical days each.

Carroll County, at Carrollton, on the fourth Monday in April, August and November, twelve juridical days each.

Gallatin County, at Warsaw, on the third Monday in March and third Monday in June, twelve juridical days each; on the third Monday in November, six juridical days.

Grant County, at Williamstown, on the first Monday in February and October, eighteen juridical days each; on the first Monday in July, twelve juridical days.

Owen County, at Owenton, on the first Tuesday after the fourth Monday in February and October, seventeen juridical days each; on the third Monday in July, eighteen juridical days.

Section 2. This Act shall become effective on September 1, 1952.

H. B. No. 14. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 118.040 of the Kentucky Revised Statutes is amended to read as follows:

The polls shall be opened at 6 a. m. and kept open continuously until 5 p. m. of the same day. Before receiving any ballots, the officers of election shall cause to be proclaimed that the election is opened.

Section 2. Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in August of each year between the hours of 6 a. m. and 5 p. m., at the regular polling places in each election precinct.

Section 3. Subsection (1) of Section 118.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the hour of 5 p. m. arrives the election officers shall announce the fact at the door of the voting room and close the polls. They shall take charge of the ballot box, and in the presence of each other shall place the lock on the small vent in the lid and securely lock it. The election officers shall then place upon all unused stubs and ballots, with rubber stamp or by writing, the word, "Unused," and place them, with the

stub book and other utensils or election material, into the linen envelope provided by the county clerk for the purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon the wax, so as to make the letters plainly visible in three different places on the envelope. The sheriff of election and the judge of opposite faith shall forthwith convey the ballot box, the key to the vent lock, and the envelope to the county clerk, taking his receipt therefor. The sheriff and judge shall see that no person other than themselves has access to, or custody of, the ballot box, and they shall each remain in the presence of the other until the box, key and envelope are delivered to the county clerk.

Section 4. Subsection (3) of Section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

(3) The county board of election commissioners shall meet for the purpose of counting the ballots, issuing certificates and making a report, at 6 p. m. on the day of the election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in the county. At the finish of each precinct the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the stub book provided for that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day, and if the count is not then completed it may then adjourn until the following day at 8 a. m., unless the following day is a Sunday, in which case it shall adjourn until 8 a. m., on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a. m. on the day following the legal holiday. On the adjourned day the board shall remain in session, if necessary to complete the count, until 6 p. m., or longer in its discretion. If the count is not then completed, the board shall reconvene during the same hours on each succeeding day, except Sundays and on such legal holidays as the board decides not to meet, until the count is completed.

H. B. No. 53. AN ACT concerning certain changes in the provisions concerning the involuntary dissolution of private corporations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 271.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) In receivership suits in which a liquidating receiver has been appointed by the court to liquidate the assets of the corporation, when the costs and expenses of such suit and all debts, obligations and liabilities of the corporation have been paid and discharged and all of its remaining property and assets distributed to its shareholders, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts, and obligations, all the property and assets have been applied so far as they will go to their payment, the court may enter a decree dissolving the corporation, and upon such decree becoming final the existence of the corporation shall cease.

(2) A corporation may be dissolved by the decree of the circuit court of the county in which the registered office of the corporation is situated when it is made to appear that the corporation has an even number of directors who are equally divided respecting the management of its affairs, and that the voting shares of such corporation are equally divided into two independent ownerships or interests, and one-half thereof is owned or controlled by persons favoring the course or views of part of the directors and one-half is owned or controlled by persons favoring the course or views of other directors, or that the persons owning or controlling the voting shares are unable to agree on, or vote for, the election of a board of directors consisting of an uneven number. In any such case suit for the appointment of a receiver under Section 271.550, Kentucky Revised Statutes, shall be brought by the holders of shares entitling them to exercise one-half or more of the voting power of the corporation.

H. B. No. 59. AN ACT relating to policemen's and firemen's pension funds in cities of the second and third classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.550 of the Kentucky Revised Statutes is amended to read as follows:

(1) The pensions or benefits paid for disability or death from the policemen's and firemen's pension fund in cities of the second and third classes shall be as follows:

(a) If any member of the police or fire department becomes temporarily totally disabled, physically or mentally while in the performance of duty and by reason of service in the department, the board of trustees of the pension fund shall order paid to him monthly, during his disability but not longer than one year, a sum of not more than sixty dollars per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period.

(b) If any member of the police or fire department becomes permanently disabled, physically or mentally, while in the performance of duty and by reason of service in the department, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty per cent of his monthly salary at the time of his retirement.

(c) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in the service from any cause as a result of his service in the department, or dies in service or while on the retired list from any cause after fifteen consecutive years of service in the department, and leaves a widow or a child under eighteen years of age the board of trustees may order a pension paid to the widow or child. There may be paid monthly to the widow, while unmarried, a pension of fifty dollars, and for each child until it reaches the age of eighteen years fifteen dollars. If

the deceased member was unmarried and childless, a pension may be paid to his dependent father and mother of fifty dollars per month. If one parent is dead, the other may receive the entire fifty dollars, and if both are living, each may receive twenty-five dollars.

(2) No person may receive a pension from the policemen's and firemen's pension fund except as provided in this section.

(3) Any widow, child or dependent parent receiving a pension under the provisions of this section on the effective date of this Act shall be entitled, on all future pension payments, to the increase benefits provided herein.

H. B. No. 116. AN ACT relating to terms of court in the Twenty-Fourth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (24) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

* * * *

(24) Johnson County, at Paintsville, on the third Monday in January, the third Monday in April, and the second Monday in September, twenty-four juridical days each.

Lawrence County, at Louisa, on the second Monday in March, the third Monday in June, and the fourth Monday in October, eighteen juridical days each.

Martin County, at Inez, on the third Monday in February, the third Monday in May, and the fourth Monday in November, eighteen juridical days each.

* * * *

Section 2. This Act shall become effective on September 1, 1952.

Ordered that said resolutions and bills be printed and referred.

Senator Moloney moved that the Senate do now adjourn until 8 P. M., Monday February 4, 1952.

Said motion was agreed to.

And then the Senate adjourned.

MONDAY, FEBRUARY 4, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend Doctor Fred T. Moffatt, Pastor of the First Baptist Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Thomas Hines	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Paul Stapleton
Archie Craft	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Moloney	John M. Williams
James P. Hanratty	O. W. Montgomery	E. V. Withers
Doug Hays		—34

The following Senators were absent—

Stanley Hoffman	Jack R. Reynolds	Cortis K. Stacy
Earl F. Martin		—4

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings of Friday, February 1, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Montgomery moved that all absent members be granted leaves of absence.

Said motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 22. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.500 of the Kentucky Revised Statutes is amended to read as follows:

Any license issued under KRS 243.020 to 243.670 must be revoked or suspended for the following causes:

(1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) Violation of the provisions of KRS 243.670.

(4) If, within a period of two consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employes for any violations of the terms and provisions of Chapter 241, 243 or 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employes shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any

rules or regulations of the Department of Revenue made in pursuance thereof.

(6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by Federal or state regulations.

(7) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

Section 2. Whereas, the conducting of gambling operations in or upon premises licensed under the alcoholic beverage laws is of great detriment to the welfare and morals of the public, and promotes vice and crime, and authority to revoke the licenses for such causes is questionable under existing laws, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

H. B. No. 26. AN ACT relating to credits, on qualifying examinations for public office or employment, for physically handicapped persons.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any physically handicapped person who, upon taking a qualifying examination provided for by law for any position of public employment or office, achieves a mark or grade not less than the minimum prescribed for passing the examination, shall have his mark or grade increased by five percent, except that in any case where a percentage credit on an examination is allowed by law to war veterans, the percentage

credit allowed to a handicapped person on such examination shall be three-fifths of the credit allowed to war veterans. A handicapped person who is also a war veteran shall be entitled only to the war veteran credit, where the law provides for such a credit.

Section 2. As used in this Act, "physically handicapped person" means any person who is suffering from a physical disability of such character and extent as to constitute a ten percent disability under the standards established by the United States Veterans' Administration for war veterans, and for this purpose the standards so established are hereby recognized and adopted as standards for the administration of this Act. The agency which is responsible for conducting any qualifying examination for positions in public employment or office shall determine, according to such standards, whether any applicant for examination constitutes a physically handicapped person, and the decision of such agency shall be final.

H. B. No. 42. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other taxing districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.670 of the Kentucky Revised Statutes is amended to read as follows:

Whenever a city or county by order of its legislative body petitions the department for a reappraisal of the properties therein and the department after investigation determines that a reappraisal is necessary, the department shall, according to the comparative need therefor, provide personnel and other assistance to aid the city assessor or county tax commissioner in accomplishing this result. The Department of Revenue shall prescribe methods and specifications for the reappraisal of property. Personnel authorized to assist in making a city or county reappraisal under this section may be given the same authority as a deputy tax commissioner or deputy city assessor. Cities, counties and other taxing districts may make appropria-

tions from their general funds to share expenses incurred for such purposes by the department or for the purpose of employing other assistance in conducting such reappraisal projects.

H. B. No. 55. AN ACT concerning pay of jurors.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(2) When kept together over night in custody of the sheriff, petit jurors shall receive five dollars additional for each night they are kept together.

H. B. No. 95. AN ACT relating to qualification, registration and purgation of voters.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. **Qualification of voters in regular and special elections; registration required.** Every person, male or female, who possesses, on the day of any regular or special election, the qualifications set forth in Section 145 of the Constitution, who is not disqualified under that section or under any statute, and who is registered as provided in this Act, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he is qualified to vote under Section 145 of the Constitution. No person shall be permitted to vote at any regular, primary or special election unless he is registered as provided in this Act.

Section 2. **Residence requirement; how determined.** The following rules, so far as applicable, shall be observed in determining the residence of a person offering to vote:

(1) A voter's residence shall be deemed to be at the place where his habitation is, and to which, when absent, he has the intention of returning.

(2) A voter shall not lose his residence by absence for temporary purposes merely; nor shall he obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his home.

(3) A voter shall lose his residence by removal to another state or county with intention to make his permanent residence there, or by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he may have had the intention to return to this state at some future period.

(4) The place where the family of a married man resides shall generally be considered his residence, unless the family so resides for a temporary purpose. If his family is permanently in one place, and he transacts his business in another, the former shall be his residence.

Section 3. **Persons permitted to register.** Any person, male or female, may register as a voter during the period the registration books are open if he possesses or will possess on the day of the next regular election, the qualifications set forth in Section 145 of the Constitution. Any member of the armed services while on extended duty may register at any time, provided he possesses the necessary qualifications.

Section 4. **Time and place of registration; when books to be closed; changing party affiliation without appearing in person.** (1) Any person possessing the qualifications for registration as a legal voter may appear before the county clerk of the county of his residence or at the temporary branch offices authorized by the County Board of Registration and Purgation, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, or change his party affiliation, at any hour of any day that the office of the county clerk or said temporary branch office or the board of registration commissioners is open for business. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause all registration books or lists to be closed fifty-nine days prior to, and five days following, any primary or general elec-

tion, and ten days prior to any special election, and no voter shall be registered or be permitted to change his registration during the period that the books are closed.

(2) In all counties the county clerk, when authorized by the county board, shall receive registrations, transfers, or change of party affiliation at branch offices at any place in the county, provided such offices are housed in a public building to be selected by the county board. The branch offices shall not be open for a longer period than fifteen days, prior to the closing of the registration books prior to any primary or general election, and but one branch office shall be open in any county at the same time. Any person possessing the qualifications for registration as a legal voter of any voting precinct in the county may appear before the clerk during the period the books are open at the office or branch office, and register or change his party affiliation or transfer his registration card.

(3) For the purpose of registering voters in a city of the second or third class which is not the county seat, the county clerk shall maintain a branch office in the courthouse or city hall of the city and take thereto the registration books for each voting precinct in the city and keep them there during the periods the books are open.

(4) Any voter who wishes to change his party affiliation and who does not wish to apply in person may apply to the county clerk, or to the board of registration commissioners if he resides in a city of the first class, by letter or by form which may be provided. The clerk or board shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the clerk or the board within ten days from the date of notice. If no protest is filed within the ten-day period, the county clerk or the board shall change the party affiliation of the voter as requested. If a protest is filed, the change shall not be made until the clerk or the board has investigated the matter and given the protesting voter an opportunity to be heard. The date on which the change is made shall be noted on the voter's registration record. No change of party

affiliation shall be made except on those days when registrations are allowed under subsection (1) of this section.

Section 5. **Registrant to appear in person; challenge.** No person shall be registered outside of cities of the first class who does not personally appear before the county clerk at one of the places and within the times set out in section 4 of this Act. If the voter is not known to the clerk, or if any bystander challenges the voter's right to register, the voter shall be sworn by the clerk and shall answer all questions asked him by the clerk or bystander touching his qualifications as a voter, or his right to be registered, and on the registration book opposite the name of the voter the clerk shall write the words, "sworn as to qualifications."

Section 6. **Forms for registration.** (1) The State Board of Registration and Purgation shall constitute a board to prepare blanks and all other forms for the registration, purgation, transfers, etc. of voters outside of cities of the first class. The blanks and forms shall be printed, prepared and furnished as other books are now printed and prepared for the state, and shall be paid for out of the State Treasury. Separate card or loose-leaf registration record forms for the registration of the individual voters shall be prepared in duplicate, upon durable paper and of convenient size and shape as determined by the board, the original cards or forms being printed upon white paper and marked "Original," and the duplicates printed upon paper of another color and marked "Copy," each of the cards or forms providing for the entry thereon of the following information, signature and affidavit of the voter:

Date of Registration _____
Serial Number _____
Name of Voter _____
Address _____
(Number) (Street) (City or post office) (County road) (Box No.)
Nearest neighbor, if not in city or town_____
_____ _____
Term of Residence: State _____
County _____
Precinct _____

Color _____
Occupation _____
Party Affiliation _____ Sex_____
Apparent Weight _____
Apparent Height _____
Other Means of Identification _____
_____
_____Signature of Voter
Attest: _____
Clerk of _____County Court

VOTING RECORD

Mark the appropriate space for each election at which the elector votes.

	Primary	General		Primary	General		Primary	General
1952			1959			1966		
1953			1960			1967		
1954			1961			1968		
1955			1962			1969		
1956			1963			1970		
1957			1964			1971		
1958			1965			1972		

(2) The county court clerk shall issue special instructions to election officers, advising them of the necessity of keeping the voting record of each voter.

Section 7. **Forms to be made out and signed; preservations; lists of voters.** (1) At the time of registering a voter outside of cities of the first class, the county clerk shall enter upon the original record form the name of the voter and all other information called for on the form. After the entries have been made,

the voter shall write his signature upon both the original and copy record forms. If any applicant for registration states under oath that he cannot write his name, the clerk shall sign the registration record forms for such person, and such person shall sign the records by making his mark thereon and the clerk shall attest the same. The clerk, at the time of registering the voter or as soon thereafter as practicable, shall enter upon the copy record form the name of the voter together with all of the information appearing on the original record form, so that the copy form shall be an exact duplicate of the original, and shall at all times keep in a safe place in his office both the original and copy record forms, except that the copy forms shall be furnished to the election officers as provided in Section 10 of this Act. The original and copy record forms shall be filed in securely locked binders or card files, by precincts, in such systematic order as is prescribed by the State Board of Registration and Purgation, and shall constitute the precinct registers to be used as provided in this Act.

(2) Immediately after the closing of the registration books as provided in Section 4 of this Act, the county clerk shall prepare a list, in quadruplicate, of all registered voters in each precinct as shown by his registration books, and shall furnish one copy, without cost, to the county board of registration and purgation. After the county board of registration and purgation has completed its purgation of the registration lists and has notified the county clerk of the names purged, he shall strike those names from the quadruple lists prepared by him. The lists so corrected shall be furnished in triplicate to the election clerks as provided in Section 10 of this Act.

Section 8. **Replacement of lost or destroyed forms; re-registration.** (1) If any original or copy registration record form, outside of cities of the first class, is lost or destroyed, or becomes in such condition as to render it difficult or unsafe to use, the county clerk shall cause a new registration record form to be made and executed in such manner as may be necessary, consistent with the provisions of this Act, the cost to be paid out of the county treasury. If the re-registration of the voters of an entire precinct so becomes necessary, it shall be held in the precinct at the next ensuing primary or general election, in the

same manner as the initial registration was made under Chapter 45 of the Acts of 1936. If such re-registration is made necessary by the loss or destruction of registration records through the negligence or willful misconduct of any person, that person shall be liable to the state for the cost of the re-registration, to be recovered in a civil action in the name of the state.

(2) Any voter who changes his name, by marriage or otherwise, shall be required to register anew, and the old registration record of such voter shall be marked "Cancelled. Name changed to _____." The old record shall then be placed in the cancelled registrations file and the copies thereof disposed of as provided in section 57 of this Act.

(3) The board shall use the information in the office of the county clerk on marriages, change of name, etc. to make the cancellations authorized by subsection (2), but shall do so only after a five days notice by mail. If any protest is filed, the board shall hear said protestant after notice by mail of five days.

Section 9. **Transferring registration.** (1) When a voter registered outside of cities of the first class changes his place of residence from one precinct to another in the same county, he may apply to the county clerk in person or by letter to have his registration record transferred to the proper precinct. If by letter, the clerk shall mail to the voter, a form to be prescribed by the State Board of Registration and Purgation which the voter shall fill out and return to the clerk. The clerk shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the county clerk within five days from the date of the notice. If no protest is filed within the period of five days the county clerk shall change the registration record to the proper precinct as requested. If protest is filed within the five-day period, the change shall not be made until the clerk has investigated the matter and given the protesting voter an opportunity to be heard by the board. When a change is so made, the clerk shall, under the head "remarks" or on the back of his original and copy registration record forms, write the words "removed to _____ pre-

cinct," and the date. Such transfers shall be registered only on those days when registrations are allowed under Section 4 or as provided in Section 53 of this Act.

(2) If any area in a county containing a city of the first class shall be annexed by said city then the clerk shall transfer all registration records of persons residing in the annexed area to the City Board, and said persons shall not be required to re-register.

(3) When the boundaries of any precinct are changed by law and the change places a registered voter in a new or different precinct, the county clerk shall transfer the individual registration record of the voter to the precinct registrar for the precinct in which he is placed by the change of boundary. The transfer shall be made automatically, without any application therefor by the voter. The date on which the change is made and the reason therefor shall be noted on the individual's registration record, and a notice thereof shall be mailed by the county clerk to the voter, advising him thereof and the reason therefor.

(4) Every supplier of gas, water, telephone service and electric current operating in the county shall, every Monday, furnish to the county court clerk a certified report containing the names of all persons who have, during the week immediately preceding, ordered gas, water, electric current or telephone service to be installed, removed or discontinued, with the address at which the services were so installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the clerk and county board only for the purpose of correcting its records as provided in this Section.

(5) The clerk may, upon the application of any registered voter, or upon the basis of reliable information obtained or furnished from any source, transfer the registration records of any voter to the precinct where it belongs, but no such transfer shall be made unless notice has been mailed to the voter at the address appearing on the existing registration records, stating that his registration will be transferred, for the reason stated in the notice. Unless protest is filed within five days, the transfer shall not be made until the five day period has expired. If protest is

filed, the matter shall be brought to the attention of the board by the clerk, and the protestant shall be given a hearing at the next meeting of the board, of which meeting the protestant shall have a five day notice by mail.

Section 10. **Register and list of voters to be delivered to election clerk.** At the same time the county clerk delivers the ballots at each primary, special or regular election, he shall deliver to the precinct election clerk of each precinct the precinct register containing the copy record forms, after having first securely locked them in the binders or containers, and a correct single-spaced typewritten list, in triplicate, of all voters then registered in the precinct and entitled to vote in the election, giving the name and address of each voter, each page of the list being separately attested by the county clerk. The election clerk shall give the county clerk a receipt for the precinct register. The election clerk shall cause the precinct register to be produced at the proper polling place in his precinct at the opening of the polls on election day, and he shall, at the opening of the polls, post one copy of the typewritten list outside the entrance to the voting place, and deliver one copy to the sheriff of the election, retaining the third copy for the use of himself and the judges of the election. At the close of the polls the election clerk shall deposit one copy of the list in the ballot box. The election officers who return the ballot boxes to the county clerk's office shall at the same time return the precinct register to the county clerk and secure a receipt therefor.

Section 11. (1) Section 30 of this Act shall apply to all counties as well as to cities of the first class, except that where board of registration commissioners is used in that section with reference to cities of the first class, it shall, when applied to counties, refer to the county board of registration and purgation.

(2) The clerk of each precinct, immediately after issuing the ballot to any voter at every primary and regular election, shall indicate in the proper place on the registration record form that such person voted at the election.

(3) The fact that a person is registered constitutes only prima facie evidence of his right to vote and does not prevent the officers of any primary, special or regular election from refusing

to issue him a ballot for causes and in the manner provided by the general election laws of the state.

Section 12. **Right to inspect and obtain copies of registration books.** The county clerk shall permit any citizen, at all reasonable hours, to inspect or make copies of any registration book, without any fee. He shall, upon request, furnish to any person a copy of the registration books, for which he shall receive the compensation provided in section 13 of this Act.

Section 13. **Fees allowed county clerk.** (1) The county clerk is entitled to collect:

(a) For original registration, ten cents for each person registered.

(b) For copying from the original registry into the copy book, or copying from the original for the use of any person, five cents per name, including data and remarks.

(c) For making copies of any registration books lost, mutilated or destroyed, five cents per name, including data and remarks.

(d) For preparing the lists of registered voters for use of election officers as required by section 10 of this Act, two cents for each name listed on the original copy only.

(2) The fees shall be paid by the county, except where the copying is done for an individual at his request.

Section 14. **Powers and liabilities of deputy county clerk.** Any duty imposed on the county clerk relating to registration and purgation may be performed by any deputy county clerk. The deputy clerk shall be subject to all penalties provided against the clerk under the statutes relating to registration and purgation.

Section 15. **Definition of "city executive committee."** The term "city executive committee," when used in this Act, refers to the governing body of each of the two political parties receiving the largest number of votes at the last preceding regular election in any county containing a city of the first class. If there are two or more contending city executive committees of

the same political party in the county, the term shall refer to the committee that is recognized by the state central committee of that party, as evidenced by the written certificate of its chairman.

Section 16. **Board of registration commissioners; powers; qualifications; compensation.** Each city of the first class shall have a body corporate designated as "The Board of Registration Commissioners of the City of————————." The administration of registration for elections and purgation of registration in such city shall be under the supervision and control of the board. The board may make contracts, sue and be sued, and adopt a common seal. The board may adopt reasonable rules and regulations necessary for the proper conduct of its office and the discharge of its duties. If the members of the board cannot agree upon any question arising in connection with the administration of their duties, the mayor shall cast the deciding vote. The board shall consist of two members who are citizens and registered voters of the city for which they are appointed and not less than twenty-five years of age. Each member shall, before taking office, take an oath that he possesses the required qualifications, and before making any appointment to the board the mayor shall determine that the proposed appointees possess the required qualifications. Each member of the board shall receive a reasonable compensation fixed by ordinance, but not less than $1,200 per year.

Section 17. **Appointment of board members; term.** (1) On January 1 every fourth year, beginning with 1950, the mayor of each city of the first class shall appoint two members of the board of registration commissioners, who shall hold office for a term of four years and until their successors are appointed and have qualified. The members shall be eligible for reappointment and to succeed themselves.

(2) Each of the city executive committees shall, on or before December 1 every fourth year, beginning with 1949, submit to the mayor a written list of five persons possessing the required qualifications for members of the board. If the persons so nominated are not, in the opinion of the mayor, competent or desirable for appointment, the major may within five days thereafter request the city executive committee to submit

a new list, and the committee shall within five days thereafter submit to the mayor a new written list of five persons possessing the required qualifications. From all the names submitted to the mayor, he shall appoint the members of the board, so that the board will be composed of one member from each of the two political parties that received the largest number of votes at the last preceding regular election in the county.

(3) If either of the city executive committees fails to submit a list, the major may select and appoint as a member of the board any qualified person who is registered as a member of and supported at the last regular election the nominees of the political party represented by the city executive committee that failed to furnish a list.

Section 18. **Removals; vacancies; incompatible offices.** (1) The mayor shall remove any member of the board of registration commissioners who is or becomes disqualified, and shall remove any member upon written request of the city executive committee that nominated the member. The mayor may at any time, without cause, remove the commissioner nominated by the city executive committee of the party with which the mayor is affiliated. Orders of removal shall be in writing and shall be filed with and become a part of the records of the board.

(2) If a vacancy occurs, the mayor shall immediately notify the city executive committee that nominated the member with respect to whom the vacancy has occurred, and that committee shall without delay submit to the mayor a written list of five qualified persons. If the persons so nominated are not, in the opinion of the mayor, competent or desirable for appointment, the mayor shall immediately request the committee to submit a new list, and the committee shall without delay submit to the mayor a new written list of five qualified persons. From the two lists the mayor shall at once fill the vacancy for the unexpired term by appointment.

(3) If any member of the board, during his term of office, accepts any office, whether elective or appointive, or becomes a candidate for any elective office, he shall ipso facto vacate his office on the board. No member of the city executive com-

mittee of either party shall be a member of the board or hold any clerical or other position under the board.

Section 19. **Bond of board members.** Each member of the board of registration commissioners shall execute bond, with good security, to be approved by the mayor. The bond shall, when approved by the mayor, be filed with the comptroller and inspector of the city and shall be a public record. Suit may be maintained upon the bond against the principal and sureties for any violation by the principal. The suit shall be brought in the name of the city, and the amount recovered in the suit shall be paid to the board of registration commissioners for the purposes of the board.

Section 20. **Employes of board.** The board of registration commissioners shall appoint a registrar and an assistant registrar who shall act respectively as secretary and assistant secretary of the board. They shall have general charge of its office, records and employes under the supervision and direction of the board and shall perform the duties that the board prescribes. They shall hold office at the pleasure of the board and devote their entire time to the duties of their office. They shall be members of opposite political parties, each member of the board having the right to designate the one to be chosen from the political party of which he is a member. The board may employ clerks and employes for such periods of time as it deems necessary for the proper conduct of its business. The employes of the board shall be employed as nearly as practicable in equal numbers from the two political parties represented on the board. The board may require bond with security from the registrar or any employe, and may fix the terms and penalty of the bond. The registrar and assistant registrar shall each receive the same annual salary, to be fixed by the board at a reasonable sum, and the compensation of all clerks or employes shall be fixed by the board at a reasonable sum. All salaries and compensation shall be paid by the board.

Section 21. **Oath may be administered by board and employes.** Any member of the board of registration commissioners, the registrar, assistant registrar, and any temporary or permanent employe of the board may administer oath to any person of

whom information is sought touching any matter pertaining to the administration of the statutes relating to registration and purgation in cities of the first class.

Section 22. **Tax for support of board; business records; fiscal year.** (1) In order to meet the expenses of the board of registration commissioners, each city of the first class shall levy and cause to be collected an annual tax of not less than three-quarters of one cent and not more than one and one-half cents upon each one hundred dollars of assessed value of all property in the city taxable for city purposes. The taxes shall be paid over to the board and receipted for by it.

(2) The board shall keep complete records of all receipts and disbursements which shall be audited annually by the comptroller who shall make a full report thereof to the mayor, with a copy to the city registration board, on or before December 1 of each year. The board shall keep adequate and systematic records of its official actions, financial accounts and such other matters as it deems necessary or desirable. The fiscal year of the board shall be the same as that of the city.

Section 23. **Supplies; purchase of; officers not to be interested in contracts; no future charge to be created.** All supplies required under the statutes relating to registration and purgation in cities of the first class shall be bought by the board by competitive bids upon uniform specifications, and the contract shall be awarded to the lowest and best bidder. No member, officer or employe of the board of registration commissioners shall be directly or indirectly interested in any contract with the board. The board shall not, to any extent or under any device, create a charge upon the income of a future year.

Section 24. **Offices of board; office hours; registration supplies.** (1) The board of registration commissioners shall acquire and maintain a permanent office and equip it in such manner as it deems necessary. The office shall be maintained and kept open to the public every day, except Sundays and holidays, between the hours of 9:00 a.m. and 4:30 p.m. except that the board may authorize the office to be closed at 1:00 p.m. on Saturdays. The board also may keep the office open to the

public at night or at such other hours as the board may determine, not inconsistent with the provisions of this Act. The board may establish such temporary branch offices, not exceeding one for each ward, as it deems necessary, and keep them open for not more than one week in each of the months of May, June, August and September.

(2) The board shall prescribe and provide all forms, records and paraphernalia required for the conduct of registration.

Section 25. **Method of registration.** (1) During the time the office of the board of registration commissioners is lawfully open for registration the registrar and assistant registrar and such deputy registrars as the board appoints shall register every person who applies in person at the permanent or any temporary branch office of the board and complies with the provisions of subsection (2) of this section.

(2) Every person applying to be registered shall make oath on the form prescribed by the board that he possesses the legal qualifications for registration, and shall be required to sign his name on two registration record forms. The signature shall be attested by two employes of the board of opposite political affiliations. One of the registration record forms shall be filled out in full before the signature and oath of the registrant is made, but only the signatures of the registrant and of two employes of the board of opposite political affiliations shall appear on the duplicate form. The registrar or assistant or deputy registrar shall enter on the registration record form, in the proper places, the name, address, color, sex, apparent height, weight, party affiliation, occupation, birthplace and mother's name of the person applying for registration, and any distinguishing physical characteristic of the person that may serve as an additional means of identification. He shall also enter the date of registration and whether or not the person is over twenty-one years of age, and, if the person is naturalized, he shall enter the time and place of naturalization. If a person applying for registration states under oath that he cannot write his name, the registrar or assistant or deputy registrar shall sign the registration form for him, and he shall sign the form by making his mark which shall be attested by the registrar or assistant or deputy registrar

and by another employe of the board of opposite political affiliation.

Section 26. **Copies of registration records; preservation and disposition; loss or destruction.** (1) The board of registration commissioners shall cause to be made five typewritten or photostatic copies of the registration record of each person who registers. One of the copies shall be typewritten on the form signed in blank by the registrant as provided in Section 25 of this Act. The original record and the copy signed by the registrant shall be filed in locked binders or card files, by precincts, in such systematic order as the board prescribes, and shall constitute the precinct registers. Another copy of the record shall be filed in locked binders or card files, without regard to precincts, in alphabetical order for the entire city. The board shall furnish one copy of each record, as soon as completed, to each of the city executive committees.

(2) The board shall keep the original registration records and the copies required to be kept by this section safely in its office, and shall not permit them to be taken therefrom except as provided in Sections 29 and 30 of this Act, or on order of a court for the purpose of use in a trial or proceeding. The initial registration records made under Chapter 48 of the Acts of 1930 shall also be kept as provided in this section.

(3) The date on which any change in the registration or party affiliation of a voter is made shall be noted on the individual registration record of the voter in each of three registers maintained by the board. The board shall make and keep a record of all changes and transfers of registration, and shall, on the first day of each week, furnish each of the city executive committees a list of the changes and transfers made during the preceding week.

(4) If the original of any individual registration record is lost, destroyed or becomes in such condition as to render it difficult or unsafe to use, the board shall cause a new record to be made in such manner as it deems necessary consistent with the provisions of this Act.

Section 27. **Transfer of registration on change of precinct**

boundaries. When the boundaries of any precinct are changed by law and the change places a registered voter in a new or different precinct, the board of registration commissioners shall transfer the individual registration record of the voter to the precinct register for the precinct in which he is placed by the change of boundaries. The transfer shall be made automatically, without any application therefor by the voter. The date on which the change is made and the reason therefor shall be noted on the individual's registration record, and also on the registrant's card kept in the record file arranged alphabetically for the entire city, and a notice thereof shall be mailed by the board to the voter, advising him thereof and the reason therefor.

Section 28. **New registration required when name changed; transfer of registration on change of residence; utility companies to report change of address of customers.** (1) Any voter of a city of the first class who changes his name, by marriage or otherwise, shall be required to register anew, and the old registration record of such voter shall be marked "cancelled. Name changed to————————." The old record shall then be placed in the cancelled registrations file and the copies thereof disposed of as provided in section 57 of this Act.

(2) When any registered voter in a city of the first class moves from the precinct in which he is registered to a different precinct in the city, he shall make and sign an application to have his registration record transferred to the proper precinct, and deliver the application to the board of registration commissioners.

(3) Every gas, water, electric light and telephone company operating in a city of the first class shall, every Monday, furnish to the board of registration commissioners a certified report containing the names of all persons who have, during the week immediately preceding, ordered gas, water, electric light or telephone service to be installed, removed or discontinued, with the addresses at which the service was ordered to be installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the board only for the purpose of correcting its records as provided in this section. Every department of the city shall, every Monday, furnish the board

with the names and addresses of all persons who have, to the official knowledge of the department, moved during the preceding week.

(4) The board of registration commissioners may, upon the application of any registered voter, or upon the basis of the information received under subsection (3) of this section, or upon the basis of reliable information obtained or furnished from any other source, transfer the registration record of any voter to the precinct where it belongs, but no such transfer shall be made unless notice has been mailed to the voter at the address appearing on the existing registration records, stating that his registration will be transferred, for the reason stated in the notice, unless protest is filed within five days, and the transfer shall not be made until the five-day period has expired. If protest is filed, the board shall investigate the matter and shall take no action until after the protestant has been given an opportunity to be heard.

Section 29. **Precinct registers to be delivered to election clerks.** At each primary, special or regular election, one set of the precinct registers for each precinct containing the typewritten copies of the registration records signed by the voters, after having first been securely locked in the binders or containers provided by the board of registration commissioners, shall be turned over to the clerks of election of the respective precincts for use in holding the election. The clerks shall sign receipts for the precinct registers and shall, within two days after the election, return the registers to the office of the board and secure a receipt therefor.

Section 30. **Comparative signature books; comparison of voter's signature with registration record; voting record.** (1) Prior to every primary, special, or regular election in a city of the first class, the county clerk shall have prepared for each precinct of the city a comparative signature book which shall be in permanent form and contain sufficient blank sheets of non-detachable type to afford reasonable space for as many signatures as there are registered voters in the precinct. The county clerk shall follow the instructions of the board of registration commissioners with respect to the exact form and makeup of the

comparative signature books and they shall be furnished and paid for in the same manner as other election paraphernalia. The county clerk shall deliver the comparative signature books along with other election paraphernalia to the clerks of election of the several precincts who shall sign a receipt therefor. Before a vote is cast by any person, at any primary, special, or regular election in a city of the first class, he shall sign his name in the comparative signature book, unless he signed his registration record by making his mark, and the officers of election shall compare the signature of every such person with the signature of that person on the registration record form in the precinct register. The challengers of the respective political parties present shall also have the right to compare the signature at the time the comparison is made by the officers of election. If the comparison of signatures creates a doubt in the minds of two of the election officers as to whether the person applying to vote is the same person as the registrant, no vote shall be cast by him unless he otherwise satisfactorily establishes his identity as the registrant. When the polls close, the precinct sheriff and judge of the opposite political faith shall forthwith convey the comparative signature book to the place where the county clerk receives other election paraphernalia. The board of registration commissioners shall have at that place, plainly identified, a duly authorized representative to whom the sheriff and judge aforesaid shall deliver the comparative signature book and secure a receipt therefor. The board shall retain the comparative signature books for at least the next two succeeding primary and general elections.

(2) If any person applying to vote at an election states that he cannot sign his name, the judges of election shall immediately swear him as to his name and his inability to write, and thereupon the judges and the challengers of the respective political parties shall examine the registration record in the precinct register, and if it is shown by that record that the person of that name signed his name on the registration record, said person shall not be permitted to cast a vote, unless his inability to sign his name at the date of the election is due to some physical disability arising subsequent to his registration. The election officers shall make and return to the board a record sheet of each

person so sworn, showing the disposition made of each case, which shall be delivered to the Commonwealth's attorney within ten days of the election. The record sheets shall be provided as other election paraphernalia.

(3) The clerk in each precinct shall, immediately after a person has cast his vote at every primary, special, and regular election, indicate at the proper place on the registration record that such person voted at the election.

Section. 31. **Right to inspect and obtain copies of registration records.** The board of registration commissioners shall permit any citizen, at such times as its office is open to the public and as will not interfere with the proper conduct of the office, to copy any registration record without fee or charge. Copies of registration records made and furnished by the board, except those furnished the city executive committees as provided in section 26 of this Act, shall be paid for by the person ordering and receiving them, at the rate of ten cents per copy for each individual registration record so copied. The fees so collected by the board shall be used for the purposes of the board.

Section 32. **Definition of "voter."** As used in this Act, unless the context requires otherwise, the word "voter" means any name contained in any registration list, regardless of whether the voter is an illegal or legal voter and regardless of whether the voter is a man or a woman.

Section 33. **State Board of Registration and Purgation; membership, oath.** There shall be a State Board of Registration and Purgation composed of the same members that compose the State Board of Election Commissioners. The members of the board shall take an oath to faithfully discharge the duties imposed upon them by the laws of this state.

Section 34. **General duties of state board.** The State Board of Registration and Purgation shall supervise registration and purgation under the provisions of this Act outside cities of the first class, and shall perform such duties as are imposed upon it by this Act in regard to registration and purgation in cities of the first class. The board shall see that each county and each city of the first class complies with the registration and purga-

tion laws applying to them, and shall ascertain whether the county court clerks and boards of registration commissioners have all the necessary registration equipment to properly register the voters in each county and in each city of the first class. The board may adopt rules and regulations necessary to properly carry out the registration and purgation laws of the state.

Section 35. **Compensation of members of state board; supplies.** In addition to the compensation and expenses allowed him as a member of the State Board of Election Commissioners, each member of the State Board of Registration and Purgation shall be paid for his services under this Act, a reasonable sum to be fixed by the Commissioner of Finance, and, in addition, his expenses in attending board meetings. The compensation shall be paid out of the State Treasury upon requisition signed by the chairman of the board and approved by the Commissioner of Finance. The board may purchase supplies and equipment necessary to carry out the provisions of this Act.

Section 36. **Clerk of state board; filing and disposing of complaints.** The State Board of Registration and Purgation may employ a clerk at a reasonable salary payable in monthly installments. If a clerk is employed he shall keep the office of the board open at all reasonable times and any person or political party who has any complaint to lodge with the board may do so by delivering the complaint in writing to the clerk. The clerk shall immediately notify the chairman of the board of the complaint and the board shall consider and dispose of the complaint at its next meeting.

Section 37. **Suits against state board; appeals from its decisions.** The State Board of Registration and Purgation may be sued in the Franklin circuit court, and any decision rendered by the board may be appealed to the Franklin circuit court in the manner now provided for appeals from quarterly courts to circuit courts, and may be tried de novo.

Section 38. **County boards of registration and purgation; appointment; qualifications; removals.** (1) The State Board of Registration and Purgation shall, during the month of July, 1952, and each four years thereafter, appoint a county board of registration and purgation for each county to serve for four years

beginning January 1, 1953, or until their successors are appointed and qualified. The county board shall consist of three members, one member shall be selected from each political party having representation on the state board. Said selections shall be made from a list of five names submitted by the county executive committee of each of said political parties. Said selections shall be made by the state board at the same time the State Board of Election Commissioners selects members of the county board of election commissioners, and the lists provided for herein shall be submitted by the political parties at the same time lists are submitted for county election commissioners. The third member shall be selected by the two members appointed by the state board. If the two members cannot agree within ten days after their qualification on January 1st, then this fact shall be certified to the state board, by the secretary of the local board, and the state board shall within ten days appoint the third member.

(2) Each member shall be 21 years of age, shall reside in the county of his appointment and shall be a duly registered and qualified voter. The state board may remove any member of the county board for cause which shall be spread on the minutes of the state board.

(3) Any vacancy occurring shall be filled as originally provided for herein, except that if the vacancy occurs in the membership of party members, then the appointment shall be made from new lists to be submitted by the county executive committee within five days after being notified by the state board.

(4) If any county committee should fail to file a list as required herein, then the state board may appoint a person who is duly affiliated and has been registered with the party which failed to file a list. The registration shall be determined as of the last general election.

(5) If the state board fails to name a county board of registration at the designated time or if a county board fails to qualify within ten days after appointment, then any citizen of the county may bring a summary proceeding in the Franklin

circuit court to compel the appointment of a county board or the reappointment of a county board if the members or any of them fail to qualify as herein provided.

Section 39. **Certificate of appointment of county board members; officers.** (1) The members of each county board of registration and purgation shall receive a certificate of appointment signed by the chairman and attested by the secretary of the State Board of Registration and Purgation, except the third member, when appointed by the two members, in which event the two members shall prepare the certificate. The certificate of appointment shall be presented by the members to the county clerk of the county of their appointment, who shall administer the oath of office to them.

(2) The members of each county board of registration and purgation, when appointed and qualified, shall meet and select one of their members as chairman. The county court clerk shall act as secretary of the board. The chairman of the board shall preside over all meetings.

Section 40. **General duties of county boards.** The county boards of registration and purgation shall administer, in their respective counties, the provisions of this Act relating to registration and purgation outside cities of the first class. Each board may adopt such reasonable rules and regulations as are necessary for the proper conduct of its office and in the discharge of its duties.

Section 41. **Compensation of county boards; time and place of meetings.** (1) In counties containing a first class city, each member of the county board of registration and purgation shall receive compensation of not less than $1200.00 per year, the exact amount to be fixed by the fiscal court and paid monthly. In all other counties, each member of the county board, and the secretary thereof, shall receive compensation of not less than six dollars nor more than fifteen dollars per day, the exact amount to be fixed by the fiscal court, for each day in session, and, in addition, the secretary may receive compensation for fifteen days while the board is not in session. No board member shall be paid for more than thirty-four days in each year.

(2) In counties that do not have a city of the first class, the board shall meet for not more than thirty-two days each year, for five days after the closing of registration books before each primary election, for five days after the closing of registration books before each general election, for twenty days at any other time of the year when the registration books are open, provided that no part of the twenty day period shall occur later than seventy-nine days before the August primary election, and, for the performance of the duties set out in section 52 of this Act, for two days after the registration books are opened following each primary election. In counties having a city of the first class, the board may meet at any time necessary to perform its duties, and shall remain in session for the purpose of hearing challenges continuously from the date that the registration books are closed before any primary or regular election, but in all counties the purgation must be concluded at least twenty days before any primary or general election. In all counties the board shall hold all of its meetings at the courthouse unless it is necessary that it hold meetings at some other place in the county, but no meeting shall be held at any other place in the county unless the persons affected by the meeting are given written notice of its time and place.

(3) If any county board fails to meet as herein required and fails to make a diligent effort to effect an adequate purgation, then any citizen of the county may prefer charges against said board before the state board, which charges shall be heard and disposed of within five days after notice has been given to the county board for five days. If the state board fails to act on said charges as herein provided then said citizen may apply for a summary mandatory order to the circuit judge of the county.

Section 42. **Sessions of county and city boards.** For the correction of clerical errors, both the county boards and the board of commissioners of cities of the first class shall stay in session on primary and general election days, and are authorized to make to the election officers such certifications as may be necessary. On said days appeals may be made to the county judge or circuit judge, as the case may be, except that in cities

of the first class all appeals shall be made to a circuit judge. Sessions of the board held on primary and general election days shall not be counted in the thirty-two day limit on sessions provided in subsection (2) of section 41 of this Act.

Section 43. **Employes, supplies, payment.** Each county board of registration and purgation may employ such clerical, stenographic and other help, and purchase such supplies and equipment, as it deems necessary to carry out its duties under the provisions of this Act. The help so employed and supplies and equipment so purchased shall be paid for by the fiscal court of the county upon certification of the cost to the fiscal court by the chairman and one member of opposite political faith of the board, accompanied by an affidavit of the chairman and one member of opposite political faith of the board that the employment or purchase was necessary in the discharge of the duties of the board and that the amount allowed or expended for such help, supplies and equipment was in their opinion reasonable.

Section 44. **Purgation by county boards.** (1) The county boards of registration and purgation may examine the registration lists and registration books in the county clerk's office as often as they deem advisable, or the boards may proceed upon the challenge by any citizen or political executive committee having representation upon the State Board of Election Commissioners, and shall examine the registration books after the closing date of the books for registration and before any primary or regular election, for the purpose of removing from the lists or books the names of persons who have, since the date of their registration, died, moved or otherwise become disqualified to vote. If a county board of registration and purgation, upon investigation, has reasonable grounds to believe that there are names upon the registration lists or books of persons who have died, moved or otherwise become disqualified to participate in any regular, special or primary election, the board shall prepare a list of such names. When the board challenges, or upon the challenge of any citizen or political executive committee having representation upon the State Board of Election Commissioners, the registration of any voter, it shall immediately notify the voter in writing, by first-class mail, at his place of residence shown

upon the registration list or book that his right to vote in the primary or regular election has been challenged and that his name will be stricken from the registration list or books unless he appears before the board within five days from the date of the notice and shows cause why his name should not be stricken. If the voter appears and desires to be heard upon the challenge, the board shall hear and determine whether or not the name of the voter should remain upon the registration lists or books, and no name shall be stricken from the registration lists or books until the voter has been given an opportunity to be heard. If the board determines that the voter is legally registered, his name shall remain upon the registration lists or books. If after a hearing the board determines that the name of the voter is illegally or improperly upon the lists or books, it shall enter an order directing the county clerk to strike the name of the voter therefrom. If, after the notice, as herein provided, the voter fails to appear before the board and contest the challenge, it shall be prima facie evidence that his name illegally or improperly appears upon the registration lists or books, and the board without further hearing shall strike his name therefrom. After completing its purgation of the registration lists of a county, the board shall notify the county clerk of all names purged by it. Challenges by a committee or citizen must be made within ten days after the registration books close before a primary or general election, and shall be in writing, giving the name and address of the challenged voter and the reason therefor. The board shall then meet on the eleventh day following the closing of the books and may sit for a period of five days, the last day to be not less than twenty days prior to the primary or general election.

(2) The failure of any person to vote at any primary or regular election for two consecutive years, as shown by the voting record of such person on his registration record, shall constitute a cause for challenge of any such person, and the board may challenge and ascertain, in the manner provided in subsection (1) of this section, such person's right to remain registered.

(3) The county board may, whenever it deems necessary, order a house to house canvass. The procedure shall be the same as provided in sections 46 and 47 of this Act except that

the determination to have a house to house canvass is in the discretion of the board, and shall only be made in such precincts as the board shall order. The compensation of the canvassers shall be fixed by the fiscal court.

(4) The registrar of vital statistics for each county shall furnish to the county clerk of his county, at least once a month, a certified report containing the names and addresses of all persons whose death, occurring in the county during the month immediately preceding, has been reported to the registrar. Each circuit clerk shall furnish to the county clerk, at least once a month, a certified report containing the names and addresses of all persons who, during the month immediately preceding, have been adjudged insane by the circuit court or convicted in that court of any offense that operates as an exclusion from suffrage, the nature of the offense to be stated in the report. Immediately upon receipt of such reports of deaths, adjudications of insanity and convictions, the county clerk shall submit such information to the board who shall verify it and notify the person affected, in such written form as it adopts, at the address appearing on the registration. If no protest is filed within five days, the registration record of the person shall be cancelled. If protest is filed within that time, the clerk shall investigate the matter and shall not cancel the record until after the protestant has been given an opportunity to be heard.

(5) When the mail notices required herein are returned unclaimed, the county board shall cause the names of the persons affected by such notices to be published in at least one issue of the newspaper with the largest circulation in the county.

Section 45. **Purgation by board of registration commissioners in cities of first class on grounds of death, disqualification, marriage or failure to vote.** (1) The Division of Vital Statistics of the State Board of Health located in any city of the first class shall, every Monday, furnish to the board of registration commissioners of the city a verified report containing the names and address of all persons whose deaths, occurring within the city during the week immediately preceding, have been reported to the division. The clerk of the circuit court of the circuit in which any city of the first class is located, shall, every

Monday, furnish to the board a certified report containing the names and addresses of all persons who have, during the week immediately preceding, been adjudged insane or convicted of any offense that operates as an exclusion from suffrage, the nature of the offense to be stated in the report. The county clerk of the county in which any city of the first class is located shall, every Monday, furnish to the board a certified report containing the names and addresses of all persons whose names have been changed by marriage as evidenced by certificates returned to the clerk, during the week immediately preceding, in accordance with the provisions of KRS 402.220.

(2) Immediately upon receipt of such reports of deaths, adjudications of insanity, convictions, and changes of name by marriage, the board shall mail a notice to every person whose name is included in any of the reports, at the address appearing on the registration record of such person in the office of the board, stating that his registration will be cancelled, for the reason stated in the notice, unless protest is filed within five days from and including the date of the notice. If no protest is filed within that time, the registration record of the person shall be cancelled. If protest is filed within that time, the board shall investigate the matter, and shall not cancel the record until after the protestant has been given an opportunity to be heard.

(3) The failure of any person to vote at any primary or regular election for two consecutive years, as shown by the voting record of such person on his registration record, shall be prima facie evidence that he is no longer entitled to registration. The board shall, in January of each year, cause a check of all registration records to be made and a list prepared of all persons whose registration records indicate that they have failed for two consecutive years to vote at any primary or regular election, and shall mail a notice to each person on the list, stating that his registration will be cancelled, for failure to vote, unless protest is filed within five days from the date of the notice. If no protest is filed within that time, the registration shall be cancelled. If protest is filed, the board shall make an investigation, and shall not cancel the registration if the person is legally entitled to registration.

Section 46. **Purgation for primary election in cities of first class by house to house canvass.** The city board of registration of each county containing a city of the first class shall cause a purging and correcting of the registration lists and records of the city for primary elections upon the request in writing of the county executive committee of either of the two political parties having representation upon the State Board of Election Commissioners, or upon the request in writing of any candidate for office in the primary. The purging and correcting shall be conducted as provided in this section.

(2) The registration commissioners of the city, shall cause to be made a house to house canvass in each precinct of the city with respect to which a request has been made under subsection (1) of this section. The canvass shall be made jointly by two investigators in each precinct, who shall be appointed by the board of registration commissioners ten days in advance of the date specified for the commencement of the canvass. One of the investigators shall be selected from each of the two political parties having representation upon the State Board of Election Commissioners. The city board of registration may remove any investigator and appoint a substitute. The canvass shall be made during the first two weeks of the sixty-day period next preceding the date upon which the primary is to be held. The board of registration commissioners shall prepare and furnish each investigator with a list of names and addresses of the registered voters in the precinct which he is to investigate, arranged in convenient order to facilitate investigation.

(3) The investigators for each precinct shall make a written report to the board of registration commissioners not later than the last day of the two weeks period provided for making the canvass, giving the names and addresses of all persons properly registered in the precinct who are legally entitled to vote in the primary election to be held in that year. When the reports of the investigators in any precinct agree that any person registered in the precinct is not legally entitled to vote at the election to be held in that year, the city board of registration commissioners of the city shall remove, transfer or cancel such registration as the case may be, so as to make the record correspond with the

report made by the investigators and to correct the registration record to the date of the report. No change shall be made until after notice has been mailed by the board of registration commissioners to the person affected, at the address appearing upon the registration record on file in the office of the board, stating that it is the intention of the board of registration commissioners to change, transfer or cancel his registration unless protest is filed within five days in the office of the board of registration commissioners. If protest is filed, no such change shall be made until after the protestant has been given a reasonable opportunity to be heard, at which hearing the right of the protestant to vote shall be determined by the board of registration commissioners.

(4) Each investigator provided for in this section shall be paid reasonable compensation by the board, the board to determine the amount.

Section 47. **Purgation for regular election in cities of the first class by house to house canvass.** (1) The board of registration commissioners of each city of the first class shall cause to made a house to house canvass in each precinct of the city in each year, for the purpose of checking the registration records. The canvass shall be made jointly by two investigators in each precinct. One of the investigators in each precinct shall be appointed by the board from a list of three names for that precinct submitted in writing by one of the city executive committees, and one in each precinct from a list of three names for that precinct submitted in writing by the other city executive committee. The lists shall be submitted ten days in advance of the date specified for the commencement of the canvass. If either committee fails to submit a list within that time, the board shall appoint the investigators to represent that party from persons registered as members of that party. The board may remove any investigator and appoint a substitute from the lists submitted, or, in the event no lists have been submitted or all the names have been exhausted, from persons registered as members of the same political party as the investigator who is removed. All appointments from the lists shall be made by the board in the order in which the names appear thereon. The canvass shall be made during the first two weeks of the fifty-nine

day period next preceding the regular election each year. The board shall prepare and furnish each investigator with a list of the names and addresses of the registered voters in the precinct which he is to investigate, arranged in convenient order to facilitate the investigation.

(2) The investigators for each precinct shall make a written report to the board, not later than the last day of the two-week period, giving the names and addresses of all persons registered in the precinct who are legally entitled to vote at the election to be held in that year. When the reports of the investigators in any precinct agree that any person registered in the precinct is not legally entitled to vote at the election to be held in that year, the board shall make such changes, transfers and cancellations in the registration records in its possession as may be necessary to make the records correspond with the reports made by the investigators and to correct the registration records to the date of the report. No such change shall be made until after notice has been mailed to the person affected, at the address appearing upon his registration record on file in the office of the board, stating that it is the intention of the board to change, transfer or cancel his registration unless protest is filed within five days, nor shall any such change be made until after the expiration of the five-day period. If protest is filed, no change shall be made until after the protestant has been given a reasonable opportunity to be heard.

(3) Each investigator provided for in this section shall be paid reasonable compensation by the board, the board to determine the amount.

Section 48. **Purgation for primary or regular election in cities of the first class on application of citizen or party committee.** (1) Any citizen of a city of the first class may challenge the registration of any voter before any primary election. The challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of the challenge, and shall be filed not later than five weeks prior to a primary election at the office of the board of registration commissioners of the city. The board of registration commissioners of the city shall conduct a hearing thereon at such time as they may fix, after

notice has been given by mail requiring the voter to appear within five days from the mailing date and show cause why his name should not be cancelled. Failure to appear shall be prima facie evidence that the voter is improperly registered and his name shall be stricken.

(2) Any citizen of a city of the first class of either city executive committee may challenge the registration of any voter before any regular election. The challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of challenge, and shall be signed by the challenger. The challenge shall be filed not later than five weeks prior to the regular election, at the office of the board of registration commissioners. The board shall conduct a hearing thereon at such time as it may fix, after notice has been served in the manner provided in section 44 of this Act. The board shall investigate each case before a hearing is held.

(3) The failure of any challenged voter to appear, after notice of challenge has been mailed him as provided in this section, shall be prima facie evidence that he is not entitled to be registered, and his registration record shall be cancelled, transferred or suspended as the case may be.

Section 49. **Precinct purgation outside cities of first class.** The county court clerk of each county shall procure a sufficient number of rubber stamps to supply one to each precinct, excepting those precincts within the limits of a city of the first class, such rubber stamps to bear the words "PURGATION RECOMMENDED" in letters one inch high under which shall appear the word "Reason" followed by a blank line, with two blank lines below for the signature of the judges of election.

Section 50. **Purgation recommendation by precinct judges at primary election, outside cities of first class.** It shall be the duty of the judges of election at each primary election in all precincts excepting those precincts within the limits of a city of stamping with the rubber stamp provided in section 49 of this Act the registration cards of persons who have since the date of their registration, died, moved from the precinct, or otherwise

become disqualified to vote, upon reasonable proof of such disqualification of any voter. The judges of election shall stamp the registration record of such voter with the stamp provided for in section 49 of this Act, and shall each sign their names on the blank lines below the words "PURGATION RECOMMENDED."

Section 51. **Assistants to precinct judges in purgation.** The judges of election may appoint other persons to assist them in performing their duties under section 50 of this Act, but the persons so appointed shall serve without compensation.
the first class to recommend purgation of the registration lists by

Section 52. **Purgation by county board, outside cities of first class; notice and hearing.** Within ten days after the primary election day, the county board shall meet at the county court clerk's office for the purpose of passing upon the purgation recommendations made by the precinct judges. The board shall examine purgation recommendations, and determine which of the persons whose purgation was recommended are not legally entitled to be registered. The board shall forthwith mail a notice to each such voter at his address as shown on the registration records, notifying him that his registration will be cancelled unless he appears before the board within five days and shows cause why his name should not be stricken. If the voter appears and desires to be heard, the board shall hear him and determine whether or not his name should be purged. If the board determines that the name should be purged, it shall enter the word "Purged," and the date, upon the registration record of such person, and the chairman and one other member of the opposite political party of the board shall sign their names immediately below the word "Purged." The county court clerk shall thereupon remove the registration records of such persons from the registration books, and place them in the "Cancelled Registration File." If the board determines that any name recommended for purgation by the precinct judges should not be purged, it shall enter the words "Purgation Refused," and the date, upon the registration record of such person, and the chairman and one other member of the opposite political party of the board shall sign their names immediately below the words "Purgation Refused." If any voter to whom notice is mailed as provided in this section fails to appear within five days, the board may thereupon purge his name without further notice or hearing.

Section 53. **Written notices.** (1) All written notices affecting the registration of a voter required, by this Act, to be sent by mail shall be sent first-class with the name and address of the sender shown on the upper lefthand corner of the envelope, with the following notation thereunder: "If undeliverable at address shown, return to sender immediately." When the mail notice has been returned, as provided herein, the county or city board, or whoever is requested to send out the notice, shall prepare a list of said addressees with their addresses, and submit same to the postmaster at whose office the voter has designated on his registration card as his P. O. address, and request that said list be corrected as to addresses. When said list is returned to the board, or whoever is the sender of the notice, it shall immediately get out another notice exactly like the first one and send it to the new address indicated on the corrected list returned by the postmaster, and shall enclose therein a form affidavit requesting a sworn statement as to when the addressee moved to the new address. If the affidavit is returned and shows that the addressee moved to the new address prior to the fifty-nine day period, then the registration card shall be placed by the board in the proper precinct and the registrant shall be eligible to vote at the coming primary or general election. If the affidavit shows that the addressee moved subsequent to the qualifying period, then the registration card shall be placed in the suspended file and the registrant shall not be entitled to vote in the coming primary or general election as the case may be, but shall be eligible to vote at the next primary or general election when he satisfies all the requirements of a voter imposed by law. If the list returned by the postmaster, does not show a forwarding address, or if the registrant fails to reply to the second notice or return the required affidavit, then the registrant's card shall be marked "Cancelled."

(2) All written notices required of the county board by this Act shall be sent out over the name of the chairman of the board.

Section 54. **No purging to be done later than twenty days before election.** No decision of any purgation officer, county board of registration and purgation, or board of registration commissioners of a city of the first class, affecting the right of a voter

to vote in any primary, regular or special election, or removing, transferring, cancelling or suspending his registration, shall be rendered by such purgation officer or board later than twenty days before any election.

Section 55. **Appeals from decisions of purgation officers or boards.** Any person whose right to vote has been denied or whose name has been stricken from the registration lists or registration books, or who is otherwise aggrieved by any act in respect to his registration, by the county board of registration and purgation, or by the board of registration commissioners of a city of the first class, and any person or party executive committee that has challenged the registration of any voter and is aggrieved by any act of the board of registration commissioners of a city of the first class or the county board of registration and purgation, may appeal from said boards. In the case of voters in cities of the first class, the appeal shall be taken to any judge of the circuit court of the county in which the city is located. In the case of other voters, the appeal shall be taken to the county judge or to a judge of the circuit court of the county. The appeal shall be taken by presenting to the judge a written statement of the act of the board complained of, and the grounds of the complaint, or the statement shall be made on printed forms furnished by the board. Before the appeal is taken, written notice shall have been given to the board complained of, stating the time and place at which and the name of the judge before whom the appeal will be presented, and the grounds therefor, so as to give the board a reasonable opportunity to be present at such time and place.

(2) The appeals provided for by this section shall be perfected not less than five days prior to any primary, regular or special election, and if not perfected within that time no county or circuit judge shall have jurisdiction to hear the appeal. There shall be no court costs taxed on appeals.

(3) The judge to whom the appeal is taken shall, at the time fixed in the notice of appeal or at a subsequent time fixed by him, summarily decide the question presented and endorse on the statement of complaint an order disposing of it. The action of the judge shall be final, and upon return of the statement of

complaint, with the order of the judge endorsed thereon, to the county clerk or to the office of the board of registration commissioners, the clerk or board shall correct its record in accordance with the order.

Section 56. **Suspended lists.** If the county board of registration and purgation of any county or the board of registration commissioners of any city of the first class finds that there are names of voters upon the registration lists or registration books who are properly and legally registered but who are not entitled to vote in the next primary, regular or special election, they shall not cancel the registration but shall cause the registration authorities to remove the registration cards or names of such voters from the registration lists or registration books so that the names shall not be sent to the precincts on election day for the coming election in which such voters are not qualified to participate. The registration officers shall place the registration cards in some secure place to be held and identified as suspended lists of registered voters, and the names of such voters shall not be replaced in the registration lists or registration books until such time as they are eligible to vote. Such voters shall not be required to re-register.

Section 57. **Record of canceled registrations.** The county clerk and the city registration board shall preserve, for not less than two years, all canceled registration cards. They shall be preserved in a separate file, arranged in alphabetical order for the entire county or city, as the case may be, according to the last name of the registrant. The file shall be designated the "Cancelled Registration File." When a registration record is cancelled, the original record and the copy thereof shall be marked "Cancelled" in large letters in ink, and there shall also be noted thereon in ink the date and reason for the cancellation. The registration board for cities of the first class shall, on the first day of each week, transmit one of its copies of each registration record cancelled during the preceding week to each of the city executive committees.

Section 58. **Grand jury investigation.** It shall be the duty of the first grand jury which convenes in each calendar year to make an investigation of the registration records of each county

and seek to determine whether or not the board, the county clerk and the employes of the board have carried out the provisions of this Act, and make a report thereon.

Section 59. **Fees of county clerk in connection with purgation.** The county clerk is entitled, for all services with relation to the purging of the registration outside cities of the first class, to a fee of 10 cents for each name ordered off or canceled, as provided in section 45 of this Act, to be paid by the county.

Section 60. **Old boards continued until successors appointed.** (1) Each county board of registration and purgation appointed under the provisions of KRS 117.390 shall continue in existence and to discharge its duties until the appointment and qualification of a new county board under the provisions of this Act.

(2) Each board of registration commissioners of a city of the first class appointed under the provisions of KRS 117.180 shall continue in existence and to discharge its duties until the appointment and qualification of a new board under the provisions of this Act.

(3) All records, files and other property belonging to boards appointed under the provisions of KRS 117.390 or 117.180 shall be turned over to the new boards appointed under the provisions of this Act, and the new boards shall be the successors, in all respects, of the boards which they replace.

Section 61. All persons who have been registered under the laws applicable prior to the effective date of this Act, shall remain legally registered unless their names have been removed according to law.

Section 62. **Penalties.** (1) Any person who willfully fails to perform any of his duties as set forth in section 4, subsection (2) of section 7, subsection (2) of section 26, sections 33 to 44, 46, subsection (1) of section 48, section 54 of section 56 of this Act, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(2) Any registrar, deputy registrar, inspector of registration, or other state, county or city officer or employe who will-

fully fails to perform his duties as set forth in sections 16 to 31, 45, 47, subsection (2) of section 48, section 55 or section 57 of this Act, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(3) Any member of the county board of registration and purgation who refuses to comply with the provisions of sections 41 or 42 of this Act, shall be fined by the circuit court not less than fifty dollars and not more than one hundred dollars for each offense, and each day of refusal to serve and carry out the duties as prescribed by law shall constitute a separate offense.

Section 63. Chapter 117 of the Kentucky Revised Statutes is repealed.

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the Kentucky Revised Statutes.

Said bill is as follows, vi:z

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.180 of the Kentucky Revised Statutes is amended to read as follows:

116.180 *Election precincts; number of voters in.* (1) Each county shall be divided into election precincts. The county court shall make the division as often as necessary to comply with the provisions of this section, and shall establish the name or number and the boundaries of the precincts. Each precinct shall contain, as nearly as practicable, an equal number of voters, based on the number of registered voters in the precinct, not to exceed three hundred and fifty voters to a precinct. This section is not intended to affect KRS 125.180, relating to precincts wherein voting machines are used or may be used.

(2) If the county judge fails to perform his duty herein required, then any citizen and voter of the county may apply to the circuit court of the county for a summary mandatory order requiring him to perform his duty. Appeals may be taken to the court of appeals by either party.

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 118.280 of the Kentucky Revised Statutes is amended to read as follows:

118.280 *Issuance and marking of ballot.* (1) Any person desiring to vote and legally entitled to vote shall give his name and residence to the clerk holding the ballots, who shall write the same upon the stub of the ticket in the blank places provided thereof, together with the voter's registered number. The clerk shall enter the same information on the secondary stub. The clerk shall then detach the ballot, with the secondary stub attached, from the main stub. The ballot shall then be signed on the back by one of the election officers. No ballot not so signed in the handwriting by one of the election officers shall be counted by the canvassing board. After the ballot has been signed by one of the election officers, it shall be handed to the voter. The clerk shall give the voter only one ballot, and on request of the voter shall explain the manner of voting. When there are separate ballots for offices or public questions to be voted for by only a portion of the voters in a precinct, such ballots shall be given only to such voters as reside in the portion of the precinct that is within the territory for which the office is provided or with respect to which the public question is submitted. The separate ballots for the election of members of boards of education shall be issued as provided in KRS 160.240.

(2) On receipt of his ballot, the voter shall forthwith, and without leaving the room, retire alone to one of the voting booths. Before marking his ballot, he shall examine it to ascertain if the facsimile signature of the county clerk and the signature of the election officer shows upon the ballot. The method of marking ballots for the election of members of boards of education shall be as provided in KRS 160.260. As to other ballots the voter shall prepare his ballot by marking a cross mark in the appropriate square immediately following the name of the candidate of his choice for each office to be filled, and in the case of questions submitted to a vote of the people by marking a cross mark in the appropriate square against the

answer he desires to give. If any voter desires to vote for each and every candidate of one party, he shall mark a cross mark in the circle under the device of the party, and the vote shall then be counted for all the candidates under the device. If a cross mark is made in the circle under the device of the party, and a cross mark is also made in the square after the name of one or more candidates of a different party, the vote shall be counted for the candidates so marked, and not for the candidates for the same offices of the party so marked, but the vote shall be counted for the other candidates under the party device. If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for that office. No ballot shall be rejected for any technical error that does not make it impossible to determine the voter's choice. Any voter may, in a regular or special election, vote for any qualified person other than those whose names are printed on the ballots, for any office to be filled, by writing the name of that person under the designation of the office and placing a cross mark to the right of the name. All marking upon the ballots shall be done with black ink stencil, except the writing in of names as provided in the preceding sentence, which shall be done with black lead pencil. There shall be kept in each booth the necessary stencils and pencils, securely fastened by a cord of sufficient length to enable voters to use them.

H. B. No. 98. AN ACT relating to absent voting, amending section 126.160, 126.170 and subsection (3) of section 126.270 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

126.160 *Form of application for ballot; affidavit.* Applications for absent voter's ballots shall be signed and sworn to by the absent voter before the county clerk, or before a civil officer

authorized by law to administer an oath. The application shall be substantially in the following form:

"County Court Clerk of_____
County, _____ Kentucky.
"I_____state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of _____ County and have been such for more than six months prior to said date and expect to be absent therefrom in the course of my business or duties at the election to be held on the _____ day of _____, 19_____, and will not vote elsewhere at said election, and am a resident of _____ precinct of said county (or _____ ward of the city of _____ county of _____), and have been such for at least sixty days prior to said date; that I reside at _____ (house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least twenty-one years of age by the day of the next election, and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the _____ political party; I request that an official ballot be mailed to me at the following address:

_____
(Name and address)

_____
(Rank and unit if member of Armed Forces)

_____
(Department of United States Government
if an employe or the wife of an employe
stationed abroad)

_____
(Voter must sign here, and oath must be
administered and attested.)

"Subscribed and sworn to before me this _____ day of _____, 19_____.

_____
(Name and Official Title)"

Section 2. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

126.170 *Verification of registration; list of nonregistered applicants; registration of applicants in Armed Forces.* (1) Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in KRS 126.190. If the county clerk does not find the applicant to be so registered, and if the application does not indicate that the applicant is a member of the Armed Forces, or if an employe or the wife of an employe of the United States Government stationed abroad, the clerk shall immediately mail a letter to the applicant, at the address stated in the application, advising him that his application cannot be honored because of the fact that he is not registered, and advising him what period of time, if any, remains in which he may register prior to such election, and the clerk shall place the application in a file entitled "Nonregistered Applicants for Absent Voters' Ballots." If the clerk thereafter, and prior to the election, receives notice from the applicant advising the clerk that the applicant has registered, the clerk shall again examine the registration books, and if he finds that the applicant has registered he shall remove the application from the nonregistered applicants' file and forward a ballot as provided in KRS 126.190. Any applications not so removed from the nonregistered applicants' file shall be retained in such file until thirty days after the election, when they shall be burned by the clerk in the presence of the judge and sheriff of the county. If the application of a person found not to be registered indicates that the applicant is a member of the Armed Forces, or an employe or the wife of an employe of the United States Government stationed abroad, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct, and shall mark upon such registration records the words, "Absentee Registration." Such registration may be made at any time prior to the election for which an absent voter's ballot is applied for.

(2) Any person who has been registered under the provisions of subsection (1) of this section shall be required to

reregister in person upon his first return to the county of his residence at a time when the books are open.

(3) The oath required of a member of the Armed Forces shall be taken as specified in KRS 384.084 and the oath required of a civilian employe of the United States Government or his wife stationed abroad may be taken by the persons mentioned in KRS 382.150. The seal of such officer must be attached to all oaths required under this section.

Section 3. Subsection (3) of section 126.270 of the Kentucky Revised Statutes is amended to read as follows:

After the absent voters' ballots have been signed and redeposited in a ballot box, as provided in subsection (1), the box shall be thoroughly shaken so as to redistribute the ballots in the box. The board of election commissioners shall then reopen the box and count the ballots and tabulate them separately on sheets to be provided by the county court clerk.

H. B. No. 101. AN ACT relating to the trust and agency fund of the Metal Stamping Plant in the Department of Welfare.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Not withstanding the provisions of KRS 438.020 to 438.040 the Commissioner of Welfare is authorized to permit or prohibit the practice of smoking by the inmates of the Penal Institutions and Houses of Reform, regardless of the age of the inmates, whenever he believes such regulation will enhance or improve the discipline of the inmates of these institutions.

H. B. No. 115. AN ACT permitting the creation of a County Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and providing for the classification, qualification, examination, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities, providing penalties therefor and repealing laws in conflict.

Said bill is as follows, viz:

Section I

Definitions—As used in this Act, the following words and terms shall have the following meaning:

(a) Board—Shall mean the County Police Force Merit Board or Boards hereinafter created.

(b) Chief—Shall mean the Chiefs of the County Police forces affected by this Act.

(c) Asst. Chief—Shall mean the next in command to the Chiefs of the County Police Forces affected by this Act.

(d) Secretary—Shall mean the executive secretary and examiner employed by the County Police Force Merit Board or Boards hereinafter created.

(e) Officer—Shall mean any member of the County Police Forces affected by this Act excluding the Chiefs and Assistant Chiefs but including all commissioned or non-commissioned patrolmen, corporals, sergeants, lieutenants and captains.

(f) Employee—Shall mean all other employees of the County Police Forces affected by this Act.

Section II

(1) Any County of the Commonwealth of Kentucky may, by order of its Fiscal Court, duly made and entered of record, create a County Police Force Merit System, and for that purpose, establish a County Police Force Merit Board, whose duties it shall be to classify and examine applicants seeking employment as officers or employees of the Police Force of the said County, excluding the Chief and Assistant Chief, and in addition to promulgate rules and regulations governing the classification, qualification, examination, appointment, promotion, demotion, fine, suspension and other disciplinary action within the said County Police Force of all personnel of the County Police Force or Forces affected and covered by this Act, and in addition thereto, to hold such hearings, public and executive, and impose such penalties upon the personnel affected by this Act as is prescribed by subsequent provisions hereof.

(2) The County Judge, subject to the approval of the

Fiscal Court of the County, shall appoint four persons, who shall constitute the County Police Force Merit Board of such County, who shall serve without compensation, and the County Judge shall be a member ex-officio of the said Board, but shall only vote in case of a tie vote on any matter before the Board for determination. Each Board appointee shall be at least thirty (30) years of age, a resident of the County affected, and not related by either blood or marriage to either the County Judge or any member of the Fiscal Court of the said County. The first members of any said Board shall be appointed within the thirty (30) day period following the effective date of an order duly made and entered by a Fiscal Court creating a County Police Force Merit System and Merit Board, and one member of the Board shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for four years except that appointments to fill vacancies within the respective terms shall be made only for the unexpired period of the respective terms. Any Board member may be removed by resolution of the Fiscal Court of the County for neglect, incapacity, misfeasance or malfeasance on the part of said Board members. No appointed Board member shall hold any other public office elective or appointive during his term as a member of the County Police Force Merit Board, and shall not receive any money, gift or consideration of any type from any person directly or indirectly for or on account of any recommendation, proposal or suggestion bearing upon the business of the Board or the County Police Force. Not more than two members shall be adherents of the same political party.

(3) The Board shall meet at least once each calendar month and minutes of the business of each meeting shall be kept.

(4) The Board shall employ a Secretary who shall also conduct all examinations, prepare eligible lists and keep all records and minutes of the Board's business and perform such other duties in connection with the business of the Board as may be required by the Board. The Secretary may be employed on either a part-time or full-time basis and said Secretary shall receive such compensation as may be recommended by the

Board and approved by the Fiscal Court. All orders and minutes of the Board shall be signed by the Chairman thereof, who shall be elected by the Board members and the minutes shall be countersigned by the Secretary.

(5) Upon appointment and qualification of the members of the County Police Force Merit Board, they shall meet within the 30 days following the creation of the Board and elect their Chairman and Vice Chairman and adopt such rules and regulations and by-laws as they see fit for the proper conduct of their offices. In all matters requiring a vote, a majority of the Board members present and voting shall determine any question, provided that at least three Board members be present to constitute a quorum.

(6) Each appointee, before entering upon the discharge of his duties, shall qualify by subscribing, taking and filing an oath of office as required by law.

(7) Fiscal Courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the said Board.

Section III

(1) All Police Officers of whatever rank and title except the Chief and Assistant Chief of County Police, and all employees of every County Police Force affected by this Act are covered by the provisions hereof. All such covered officers and employees of every County Police Force on active duty or service as of the effective date (of a duly made and entered order of the Fiscal Court of the said County creating a County Police Merit System and Board), shall be deemed fit and qualified to continue their respective duties of employment on or for their respective County Police Force without examination or further qualification, except and unless the Chief of Police of any County Police Force shall within sixty (60) days after the establishment of the County Police Force Merit Board certify to the said Board that any officer or employee is physically unfit to continue his or her duties.

(2) All personnel covered by the provisions of this Act shall be deemed to be permanent employees subject to their

ability to satisfactorily perform their respective duties and further subject to their good behavior.

(3) Within ten (10) days after the creation of any County Police Force Merit Board under this Act, the Chief of County Police shall certify to the Board the names, rank, rate of pay, the seniority of every officer and employee on the Police Force as of the effective date of the Fiscal Court order creating the County Police Force Merit System and Board.

(4) No officer or employee covered by the provisions of this Act shall directly or indirectly give, solicit or receive or be in any manner whatever concerned in the giving, receiving, soliciting or publicizing any assessment, gift, subscription or contribution to or for any political party or candidate for public office.

(5) No individual, corporation, association or group of individuals shall orally or by letter or otherwise solicit or be in any manner concerned in soliciting or collecting any assessment, subscription, gift or contribution of any character for any political party or any candidate for public office from any officer or employee covered by any of the provisions of this Act. No person shall use or promise to use his personal influence or official authority to secure any appointment or promotion to any position of employment covered by the provisions of this Act, as a reward or return for personal or partisan political service. No candidate applying for original appointment or promotion to any position of employment covered by this Act shall sign or execute or promise to sign or execute a resignation dated or undated in advance of such appointment or promotion. No officer or employee covered by the provisions of this Act shall be suspended, laid off, demoted, promoted, fined, disciplined or threatened, or in any way changed in rank, duty or compensation for withholding or neglecting to pay or make any contribution of any sort, or character, either in money, goods or services or anything of value for any political purpose whatsoever.

No person shall take part in preparing any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected from any officer or

employee covered hereby and no person shall knowingly send or present in any manner any such assessment, subscription, request for gift or contribution or request payment of any of the foregoing to or from any officer or employee covered by this Act.

No officer or employee covered by this Act shall act as an officer of any political organization, be a member thereof or take an active part in any political campaign or serve as a member of any committee of any such political organization or circulate or seek signatures to any petition or official paper provided for by any primary or general election laws, or act as a worker for any political party, or act as a worker at the polls in favor of or opposed to any candidate for election or nomination to any public office whether Federal, State, County or Municipal.

No examination question in any examination held by the Board shall relate to any political or religious opinion, belief, affiliation or service and no appointment, promotion, demotion, suspension, fine or removal shall be brought about, effected, affected or influenced by such opinions, beliefs, affiliations or services.

No officer or employee covered by this Act shall foster, promote, or be concerned with any actions involving political or religious controversies or prejudices.

Nothing contained in this Act shall be so construed as to abridge the rights of any officer or employee with respect to his or her personal opinions or beliefs or right to vote.

Section IV

(1) Every County Police Force Merit System Board created hereunder shall make, promulgate, and when necessary, amend rules for the qualifications, original appointment, promotion, demotion, transfer, layoff, reinstatement, suspension, fine and removal of the officers and employees covered by this Act. The Board shall publish its rules and any amendments thereto by supplying a certified copy thereof to the County Judge, the Fiscal Court and the Chief of Police of the County, and by posting a copy thereof conspicuously in the office or place where the headquarters of the County Police is maintained. Said rules and

amendments thereto shall be published in the manner prescribed within three (3) days after the adoption thereof.

The rules in addition to other matters shall specifically provide for and cover the following:

1. (a) Physical, mental, educational, citizenship and age requirements for new employees and officers.

(b) Physical, mental, educational, citizenship and age requirement for new employees and officers and seniority requirements for promotion from lower to higher rank or classification.

2. (a) Open competitive written, oral and physical tests to determine the relative fitness of all candidates and examinations for original appointment and for promotion.

b. Public notices of examinations provided in 2 (a).

3. Temporary appointments in case of emergency.

4. Organization and meetings of the Board.

5. Procedure and conduct of public hearings.

Any officer or employee may be removed, suspended, laid off, reduced in grade, or fined by the Chief of County Police for any cause which will promote the efficiency of the service, but before any such action is taken by the Chief of Police against any officer or employee, the Chief of Police shall furnish the officer or employee concerned with a written statement of the reasons why the described action is taken. The officer or employee may be reduced, removed, suspended, laid off or fined from the date when such written statement of reasons is served upon him. Each officer or employee removed, suspended, laid off, reduced in grade, or fined, shall be allowed a period of ten (10) days within which he may file written answer to the charges and reasons which caused his suspension, removal, reduction or fine, which shall be made a part of the official records of the Police Department. No trial or examination of witnesses shall be required in any such case except in the discretion of the Chief of Police. The Chief of Police shall likewise furnish a copy of the written charges and reasons for his action to the County Police Force Merit Board.

(2) The County Police Force Merit Board shall also have the right to remove, reduce, suspend, lay off, fine or discipline any officer or employee covered by the provisions hereof on written charges of misconduct preferred on its own initiative or the initiative of any citizen, but only after reasonable notice to the accused and after a complete public hearing at which the officer or employee accused shall have the right to be present and represented by counsel and confronted by all of the witnesses preferring the charges against him. Every such employee or officer shall be given the right within ten (10) days after charges are initiated by the Board or a private citizen and before the public hearing prescribed herein, to file written answer to the charges preferred against him.

After full public hearing by the County Police Force Merit Board, the Board may retire in Executive session to discuss the evidence introduced at the hearing and to make its determination and conclusion. In no case shall the Board in Executive session receive any further evidence or communication from any source whatsoever prior to reaching its determination and conclusion.

In all cases provided for in this section, the action of the Chief of Police or of the County Police Force Merit Board shall be final except in the following cases.

Every action in the nature of a dismissal, suspension, reduction or fine made by the Chief of County Police, shall be subject to review by the Board at the request of any officer or employee affected by this Act, and in any case where the Board, after investigation, is of the opinion that the disciplinary action taken by the Chief of Police was brought about or influenced by reason of political activity or religious belief, or any improper or unjustified prejudice, then the Board shall give notice and hold a public hearing with respect thereto, and in any case where, after such public hearing, a majority of the members of the Board are of the opinion that the action of the Chief of Police is unjustified or unsupported by proper evidence, then the order of the Chief of Police may be set aside and revoked by the Board and the Board may impose such penalty or punishment as it may deem necessary and appropriate. The Board may, after investigation,

increase any disciplinary action taken by the Chief of Police where such additional action is justified in the opinion of a majority of the members of the Board.

(3) The County Police Force Merit Board shall have the power to issue subpoenas attested in the name of its chairman, to compel the attendance of witnesses upon any proceedings authorized by this Act or by the rules or regulations promulgated by the Board.

Section V

(1) Any person who shall knowingly violate any of the provisions of this Act shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than $50.00 or not more than $1,000.00 or by imprisonment for a term not to exceed six months or by both such fine and imprisonment and if such person be an applicant for any employment covered hereby, he shall be excluded from such examination for a period of three years thereafter and if the name of such person be on any eligible list of the said Board, his name shall be removed therefrom and if he be an officer or employee of the County, he shall be removed forthwith therefrom and be ineligible for any such appointment to public office or employment for a period of three years thereafter.

(2) The provisions of this Act are severable. If any provision, section or paragraph hereof, should be held unconstitutional or invalid, such decision regarding the provision, section or paragraph shall not affect or impair the remainder of the Act. It is hereby declared to be the legislative intent to enact each provision, paragraph and section hereof separately and independently of all other sections, provisions and paragraphs.

(3) All laws and parts of laws in conflict herewith are hereby repealed.

(4) In order that the provisions of this Act may be forthwith accepted by any Fiscal Court of any County of the State and in order that Counties desirous of accepting the provisions of this Act, may speedily reorganize their Police Departments to comply with the provisions hereof, an emergency is hereby declared to exist and this Act will become effective upon its passage and approval by the Governor.

Ordered that said bills be printed and referred.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Moloney.

S. B. No. 115. AN ACT, relating to compensation and maintenance of persons performing public services in positions requiring the services of a physician.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context clearly requires otherwise:

(1) "Physician" means a person authorized by law to practice medicine in this State.

Section 2. Notwithstanding the provisions of KRS 64.640 and 64.650, the Division of Personnel in the Department of Finance may, upon the recommendation of the hiring authority and with the approval of the Governor, establish rates of compensation and maintenance within the constitutional limit for each position requiring the services of a qualified physician in any department, agency, or other unit of State Government. Such rates shall be based upon studies of the duties and responsibilities of the positions and upon a comparison with rates being paid for similar or comparable services elsewhere.

By Senator Shaikun.

S. B. No. 116. AN ACT relating to crimes and punishment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 258 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

In verdicts of "guilty," or a plea of guilty, "for the Common-

wealth," by agreement of the Commonwealth's Attorney and the defendant, the court may, within its discretion, and without the intervention of a jury, fix the degree of punishment to be inflicted within the minimum or maximum punishment prescribed by law, except where the offense is punishable by death. In the absence of such agreement and in all cases where the offense is punishable by death, the jury shall fix the degree of punishment, unless the same be fixed by law.

Section 2. Section 431.130 of the Kentucky Revised Statutes is amended to read as follows:

A jury by whom an offender is tried in any court of this Commonwealth shall fix by its verdict a punishment to be inflicted within the periods or amounts prescribed by law; provided, however, that upon a verdict of "guilty" or a plea of guilty "for the Commonwealth," by agreement of the Commonwealth's Attorney and the defendant, the court may, within its discretion, and without the intervention of a jury, fix the degree of punishment within the periods or amounts prescribed by law, except in cases involving an offense punishable by death. Prisoners sentenced to punishment by confinement in the penitentiary shall be kept at hard labor. If the punishment is a fine or imprisonment in the jail or the county, or both, the imprisonment shall be close confinement in the jail of the county where the trial was held, unless otherwise provided. The prisoner shall also be confined in the county jail until the costs are paid, unless otherwise provided. In any jurisdiction where there is a county workhouse the court may in its discretion confine the prisoner to the county workhouse instead of the county jail.

Section 3. Section 284 of Carroll's Criminal Code of Practice is amended to read as follows:

The court shall, in its judgment, affix the degree of punishment to be inflicted as found by the court, or by the verdict of the jury or as fixed by law.

By Senator Cox.

S. B. No. 117. AN ACT related to utilities in cities of the third class, providing for the amendment of subsection (2) and

(5) of section 96.176, section 96.182, and subsection (3) of section 96.183 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Subsection (2) of Section 96.176 of the Kentucky Revised Statutes be and it is amended to read as follows:

(2). The board shall employ an electric and water plant superintendent (herein called "superintendent") who shall be qualified by education, training and experience for the general superintendence of the operation, maintenance, improvement and extension of the electric and water plant. His salary shall be fixed by the board. The superintendent may be removed by the board. He shall be required to execute bond, in a sum to be determined and approved by the board, conditioned upon faithful performance of his official duties. The cost of the bond shall be charged as an expense of the operation of the electric plant. The superintendent shall appoint all employees and fix their duties and compensation subject to and with the approval of the board.

Section 2. That Subsection (5) of Section 96.176 of the Kentucky Revised Statutes be and it is amended to read as follows:

(5) The superintendent shall let all contracts, subject to the approval of the board; but may, without approval, obligate the board on purchase orders for materials necessary in the operation of the electric and water system up to an amount to be fixed by the Board, not, however, to exceed one thousand dollars. All contracts for the purchase of materials, equipment and supplies in excess of one thousand dollars shall be let only after competitive bidding; provided, however, when any material, equipment or supplies be not available in the open market, such material, equipment or supplies may be purchased without competitive bidding. All contracts shall be in the corporate name of the board, and shall be signed by the superintendent and attested by the secretary-treasurer or the chairman of the board.

The superintendent shall make and keep or cause to be made and kept full and proper books and records, subject to the supervision and direction of the board and the provisions of applicable contracts.

Section 4. That Section 96.182 of the Kentucky Revised Statutes be and it is amended to read as follows:

Subject to the provisions of outstanding bonds and contracts, the board shall apply all funds derived from operations: (1) To the payment of operating expenses, (2) to the payment of bond interest and retirement, (3) to sinking fund requirements, (4) to depreciation requirements, (5) to the improvement and extension of the plant, (6) to the payment of other obligations incurred in the operation, and maintenance of the plant and the furnishing of service, and (7) such taxes, if any, as the board may elect to pay under the provisions of KRS 96.179, and any surplus revenues at the end of any twelve months ending June 30 shall be transferred to the sinking fund, and used by the board only for the redemption or purchase of outstanding bonds in which case such bonds shall be canceled, or for the creation and maintenance of a cash working fund, or the creation and maintenance of a fund for improvement and extension of the system, or for the reduction of rates, or the Board, after the original cost of the property shall have been fully paid and satisfied, may, in its sole discretion, use, apply and pledge all or a part of such surplus revenues for the acquisition, construction, maintenance, improvement, addition to and operation of any "public project" as the same is defined in subsection (1) of Section 58.010 of the Kentucky Revised Statutes, which "public project" shall be located within the territory served by the Board; the Board is hereby vested with all of the powers, duties and responsibilities delegated and granted to a "governmental agency" under Section 58.020 to Section 58.140, both inclusive, of the Kentucky Revised Statutes; provided, however, that the acquisition or construction of any "public project", as above defined, shall first be approved by the Common Council before such "public project" is undertaken.

Section 5. That Subsection (3) of Section 96.183 of the Kentucky Revised Statutes be and it is amended to read as follows:

(3) If two-thirds of all the qualified voters of the municipality voting in said general election on the question shall vote in the affirmative, the governing body of the municipality may adopt an ordinance rescinding its election to operate under the provisions of KRS 96.171 to 96.188, and the board, on the first day of the month following the passage and approval of such ordinance, shall by resolution transfer the operation of the electric and water plant to the governing body of the municipality.

By Senator Freeman.

S. B. No. 118. AN ACT relating to state employes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any state employe involuntarily inducted or recalled to service in the Armed Forces of the United States shall, upon his discharge and if he desires, be offered state employment of a nature and pay scale substantially similar to that which he formerly occupied.

By Senator Cox.

S. B. No. 119. AN ACT amending Section 423.010, Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 423.010, Kentucky Revised Statutes, be amended so that said section as amended shall read as follows:

"The Secretary of State may appoint as many notary publics as he deems necessary, who shall hold office for four years. Any person desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the Circuit Judge, Circuit Clerk, County Judge, County Clerk, Justice of the Peace or a member of the General Assembly of the county of the residence of the appli-

cant. No officer shall charge or accept any fee for approving the application. A notary public must be twenty-one years of age, a resident of the county from which he makes his application, of good moral character and capable of discharging the duties imposed upon him by this chapter, and the endorsement of the officer approving the application shall so state. The Secretary of State in his certificate of appointment to the applicant must designate the limits within which the notary is to act. Before a notary acts, he must take an oath in the county court of his county that he will honestly and diligently discharge the duties of his office. He must in the same court give an obligation with good security for the proper discharge of the duties of his office. Every certificate of a notary public shall state the date of the expiration of his commission. The Secretary of State shall give to each notary appointed a certificate of his appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to said notary by the Governor of Kentucky, and receive the same fee for the certificate that he now receives for attesting the commission issued by the Governor.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed to the extent of the conflict."

By Senator Freeman.

S. B. No. 120. AN ACT providing a per diem for justices of the peace for service on county road committees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In counties where the fiscal court controls and supervises the county roads through a committee of its members, the justices of the peace serving on that committee shall be paid out of the county treasury thirty-five dollars each per calendar month, provided, however, that no justice of the peace shall receive anything unless he actually does road work at least seven days during the month.

By Senator Van Hoose.

S. B. No. 121. AN ACT relating to time of payment of Teachers' Retirement annuities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 161.640 of the Kentucky Revised Statutes is amended to read as follows:

Retirement annuities shall be payable monthly. The first payment to annuitant shall be made at the payment date at the end of one full payment period after his retirement and shall consist of one regular monthly payment.

Section 2. This Act shall become effective July 1, 1952.

By Senator McCann.

S. B. No. 122. AN ACT concerning the prevention of sabotage.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Highway," means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license or privilege, for the use of vehicle traffic;

(2) "Public Utility," means any pipe line, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for public use.

Section 2. Any person who deliberately destroys, impairs, injures, interferes or tampers with real or personal property, where he knows or should know that such act will hinder, delay or interfere with the preparation of the United States or of any

state for defense or for war, or with the prosecution of war by the United States, or with preparation and plans for civil defense and public safety, or with the execution thereof, shall be guilty of a felony punishable by imprisonment for not more than ten years or by a fine of not more than $10,000 or by both such fine and imprisonment. Provided, if such person so acts with an intent to hinder, delay or interfere with the preparation of the United States or of any state for defense or war, or with the prosecution of war by the United States, or with preparations and plans for civil defense and public safety, or with the execution thereof, the minimum punishment shall be imprisonment for not less than one year.

Section 3. Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reason to believe that such article or thing is intended to be used in connection with the preparation of the United States or any state for defense or for war, or for the prosecution of war by the United States, or with preparations and plans for civil defense and public safety, or with the execution thereof, or that such article or thing is one of a number of similar articles or things, some of which are intended so to be used, shall be guilty of a felony and shall be punished by imprisonment for not more than ten years, or a fine of not more than $10,000, or by both such fine and imprisonment. Provided, if such person so acts or fails to act with an intent to hinder, delay or interfere with such preparation of the United States or of any state for defense or for war, or with the prosecution of war by the United States, or with preparations and plans for civil defense and public safety, or with the execution thereof, the minimum punishment shall be imprisonment for not less than one year.

Section 4. Whoever attempts to commit any of the crimes defined by this Act, and whoever solicits or invites another to commit any such crime, not followed by the commission thereof, or who collects or assembles any materials with intent that same are to be used in the commission of such crime, or who enters, with or without permission, any building, enclosure or other premises of another with intent to commit any such crime therein or thereon, shall be subject to one half the punishment prescribed for the commission of such crime.

Section 5. If two or more persons conspire to commit any crime defined by this Act, each of such persons shall be guilty of conspiracy and subject to the punishment prescribed for the commission of the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy.

The fact that any fellow conspirator has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction shall not constitute a defense or ground of suspension of judgment, sentence or punishment on behalf of any person prosecuted under the provisions of this section.

Section 6. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court, magistrate, referee, grand jury, city prosecutor, county attorney or Commonwealth's attorney upon any investigation, proceeding or trial, for or relating to or concerned with a violation of any provision of this Act, or attempt to commit such violation, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him by the state may tend to commit him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him, upon any criminal investigation, proceeding or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.

Section 7. Any person, firm or corporation, municipal corporation, state or political subdivision thereof engaged in, or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any state for defense or for war or in the prosecution of war by the United States, or with preparations and plans for civil defense and public safety, or with the execution thereof, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, whose property, except

where it fronts on water or where there are entrances for railway cars, vehicles, persons or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate, entrance, dock or railway entrance and every one hundred feet of waterfront a sign reading "No Entering Without Permission." Whoever, without permission of such owner, wilfully enters upon premises so posted shall be punished by imprisonment for not more than ten days, or by a fine of not more than fifty dollars, or by both such fine and imprisonment.

Section 8. Any peace officer and any person employed as watchmen, guard, or in a supervisory capacity on premises posted as provided in section 7 may stop and detain any person found on such premises and may interrogate such person for the purpose of ascertaining his name, address and reason for being on said premises. If said peace officer, watchman, guard or supervisory employe has reasons to believe from the answers of the person so interrogated has no right to be in such place, he may arrest without a warrant on the charge of violating the provisions of section 7.

Section 9. Any person, firm, corporation, municipal corporation, state or political subdivision thereof engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any state for defense or for war or in the prosecution of war by the United States, or with preparations and plans for civil defense and public safety, or with the execution thereof, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which such property abuts, may petition the appropriate authority having jurisdiction in any city or county or the Commissioner of Highways, in an appropriate case, to close one or more of said highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of said highways or parts thereof.

Upon receipt of such petition, the appropriate authority having jurisdiction of such highway shall set a day for hearing

and give notice thereof by publication in a newspaper having general circulation in the city or county in which such property is located, such notice to be given at least seven days prior to the date set for hearing. If, after a hearing, it is determined that the public safety and the safety of the property of the petitioner so require, the use of and travel upon such highway or highways or parts thereof shall, by suitable order, be closed or restricted to public use and travel. Provided, the appropriate authority may issue written permits to travel over highways so closed or restricted to responsible and reputable persons for such term, under such conditions and in such form as said authority may prescribe. Appropriate notices in letters at least three inches high shall be posted conspicuously at each end of any highway so closed or restricted by such order. Any order made by an appropriate authority may be revoked or modified at any time.

Section 10. Whomever violates any order made under the provisions of section 9 shall be punished by imprisonment for not more than ten days, or by a fine of not more than fifty dollars, or by both such imprisonment and fine.

Section 11. Nothing in this Act shall be construed to impair, curtail or destroy the lawful rights of employes and their representatives to self-organization to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, to strike, to picket, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

By Senator Cornett.

S. B. No. 123. AN ACT relating to deadly weapons.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 435.230 of the Kentucky Revised Statutes is amended to read as follows:

Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket

knife, on or about his person, or any person who sells a deadly weapon, other than an ordinary pocket knife, to a minor, shall, upon first conviction, be fined not less than $100.00 nor more than $500.00, or imprisonment in the county jail for not less than thirty nor more than ninety days. Upon the second and each successive like offense, such person shall be confined in the State Reformatory for not less than two nor more than five years.

Sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their persons.

By Senator Stapleton.

S. B. No. 124. AN ACT relating to motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) As used in this Act, unless the context requires otherwise:

(a) "New motor vehicle" means a motor vehicle owned by its original purchaser from an authorized dealer.

(b) "Used motor vehicle" means a motor vehicle owned by one other than its original purchaser from an authorized dealer.

(2) None of the provisions of this Act shall apply to motor vehicles engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity.

Section 2. The Department of Revenue shall furnish the county court clerks with certificates of ownership to be issued only by said clerks. Certificates of ownership shall be in quadruplicate with carbon paper inserted. The original shall be on safety paper, blue for new motor vehicles and brown for used motor vehicles. The face of the certificates of ownership and

two copies shall provide space for the designation of the owner. The reverse shall provide space for listing of liens and at least two transfers. The third copy shall be marked "For Identification Only" and shall show only the owner's name, address and description of vehicle. Certificates of ownership for new motor vehicles shall be numbered serially and certificates of ownership for used motor vehicles shall be unnumbered, but space for number provided. The clerk shall always assign the same number to a motor vehicle each time a new certificate of ownership is issued and when a motor vehicle ceases to exist, the number shall remain unused for at least ten years. The original shall be delivered to the lien holder, if any, and if none, to the owner, the first copy to be filed by the clerk, the second copy to be sent to the Department of Revenue and the third copy to be delivered to the owner and carried by him always as evidence of ownership.

Section 3. When application is made for registration of any motor vehicle for the registration year 1953, the clerk shall then issue the certificate of ownership provided for in Section 2 and shall endorse thereon all liens or mortgages on said motor vehicle of record in his office and all other liens or mortgages shown to exist by the sworn statement of the owner. A properly endorsed certificate shall be issued for a motor vehicle at the time of its initial sale by an authorized dealer. Thereafter no sale or transfer of any motor vehicle shall be made unless such sale or transfer be entered on the certificate of ownership or on a new certificate of ownership by the clerk who issued the original certificate or by a clerk to whom the records on such motor vehicle have been transferred as hereinafter provided. No motor vehicle shall be registered for licensing for the registration year 1954 or thereafter without the presentation of a certificate of ownership for such vehicle.

Section 4. Upon presentation of a chattel mortgage or a conditional sales contract (and the recording fee) along with a certificate of ownership or the original bill of sale on new motor vehicle for which no certificate has been issued, the clerk shall record the lien and insert the lien upon the certificate of ownership. His certificate of ownership records shall be marked likewise. Only the clerk who issued the certificate of ownership

or the clerk to whom the certificate of ownership records have been transferred as hereinafter provided shall be authorized to enter liens, mortgages or encumbrances upon a certificate of ownership. A lien to be valid must be both recorded in the clerk's office and listed on the certificate of ownership.

Section 5. It shall be the duty of the lienor to release within a reasonable period of time, after satisfaction thereof, liens recorded by clerks and listed on certificates of ownership. The certificate of ownership shall be presented simultaneously with the release and it shall be the duty of the clerk to return certificate of ownership to its rightful holder.

Section 6. No clerk shall issue a duplicate of certificate of ownership except the clerk issuing the original certificate of ownership, unless records have been transferred to him as hereinafter provided. Any duplicate issued must bear same number as the original and must be clearly marked duplicate. The duplicate must bear the same listing of liens and encumbrances as the lost certificate of ownership. No duplicate certificates of ownership shall be issued unless the request is accompanied by certificate of inspection by state police officer as to ownership and the affidavit of loss required by present law.

Section 7. The clerk who issued the preceding certificate of ownership shall upon request by the holder of such certificate or a purchaser therefrom furnish a certified copy of the certificate of ownership file to the clerk of a different county. In which case, the original clerk shall mark his files transferred to the new county and shall thereafter refer all matters pertaining to the ownership or encumbrance of said motor vehicle to the new clerk.

Section 8. Any clerk who issues a certificate of ownership, or endorses a sale or transfer on a certificate, or endorses a lien, mortgage, or other encumbrance on a certificate, or transfers a certificate of ownership file to another county shall receive a fee of two dollars for his services. Any clerk who issues a duplicate certificate of ownership shall receive a fee of two dollars and fifty cents ($2.50) for his services. Provided, no authorized motor vehicle dealer shall be required to pay the fee for the endorsement of a sale or transfer.

Section 9. Any person who falsely represents by his sworn statement the existence or amount of any encumbrance on a motor vehicle for which he is applying for a certificate of ownership shall be fined not less than $500 nor more than $5,000 or imprisoned in the county jail for not more than one year, or both.

By Senator Montgomery.

S. B. No. 125. AN ACT relating to licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon filing application and paying the fee as provided by law, said owner shall be given a receipt containing the registration number and the information included in the application and two plates for the registration year 1942 bearing said number, and only one plate, except as otherwise provided in this chapter, for registration years thereafter. If, however, the department finds that there is a shortage of materials suitable for making plates or that a substantial saving will result, it may require by regulation with the approval of the Governor that plates issued in 1942 or thereafter shall continue to be used for a designated subsequent period. For services performed, the owner shall pay the county clerk the sum of fifty cents for each registration in addition to the registration fee.

(2) In all counties except those containing a first, second or third class city, the county court clerk shall maintain an alphabetical file of all owners who register a motor vehicle under subsection (1) of this section. For the services performed under this subsection, each owner shall pay to the county clerk the sum of twenty-five cents for each registration, which fee shall be in addition to the registration fee and any other fees for which provision is made.

Section 2. Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.25.

(2) The annual registration fee for each motorcycle shall be $1.75, and for each sidecar attachment, $ .75.

(3) All motor vehicles except those mentioned in subsection (1) and (2), and those engaged in hauling passengers for hire operating under certificates of convenience and necessity, are classified as trucks or busses, and the annual registration fee, except as provided in subsection (4) through (8), shall be as follows:

Gross Weight	Registration Fee
0- 5000	$ 9.75
5001- 8000	21.75
8001-10000	24.75
10001-12000	28.75
12001-14000	31.75
14001-16000	35.75
16001-18000	39.75
18001-21000	44.75
21001-24000	49.75
24001-27000	58.75
27001-30000	70.75
30001-33000	84.75
33001-36000	100.75
36001-39000	122.75
39001-42000	149.75

The registration fee shall be increased fifty percent on any motor vehicle not equipped wholly with pneumatic tires.

(4) Any farmer owning a truck having a gross weight of 22,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.25 by filing with the county clerk, in addition to other information required, an affidavit, stating that he is a farmer engaged solely in the production of crops, live-

stock or dairy products, that he owns a truck of the gross weight of 22,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in conspicuous letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $4.25 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the bed of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.25 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for $4.25 by filing with the county clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.

(8) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.25 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

By Senator Ford.

S. B. No. 126. AN ACT relating to the compensation of coroners, amending section 64.180 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 64.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Coroners shall receive, out of the county treasury, such monthly compensation as the fiscal court of each county shall fix, subject to the following minimums:

County Population	Monthly Minimum Compensation
(a) 7,000 or less	$ 50.00
(b) 7,001 to 12,000	75.00
(c) 12,001 to 20,000	100.00
(d) 20,001 to 40,000	125.00
(e) 40,001 to 60,000	150.00
(f) 60,001 to 100,000	175.00

(2) In counties having a population of more than 100,000 and containing a city having a population of more than 40,000 coroners shall receive, out of the county treasury, such monthly compensation as the fiscal court shall fix subject to a minimum of $200.00 per month. In addition such coroners may receive such supplemental salary as the county and city over 40,000

population may agree upon, and such supplemental salary and fees as the city may wish to pay.

Section 2. The provisions of this Act shall not apply to any coroner in office on the date it becomes effective.

By Senator Hines.

S. B. No. 127. AN ACT relating to officers, agents and employes in cities of the fourth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) All officers, agents or employes appointed or employed by the legislative body of a city of the fourth class may be removed by the legislative body at pleasure.

(2) Except where otherwise provided by law, any elected city officer other than members of the city legislative body and the mayor may, for incompetency, neglect of duty or misconduct in office, be impeached and removed from office by a majority vote of the members of the legislative body, the yeas and nays being called and entered upon the journal.

(3) No such elected officer shall be removed without having been given the right to a full public hearing with representation by counsel, and with witnesses summoned in his behalf and required to testify. The findings of fact at the hearing, and the reasons for removal, shall be stated in writing and filed as a matter of public record.

(4) Any officer, if removed, shall have the right to appeal to the circuit court of the county, and be tried de novo.

By Senator Hines.

S. B. No. 128. AN ACT relating to coroners, amending section 72.080 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 72.080 of the Kentucky Revised Statutes is amended to read as follows:

The coroner or his deputy may, if he deems it necessary, go to a body and take charge of it. If, in the opinion of the coroner, or of his deputy if the coroner is absent, an autopsy is necessary, such autopsy shall be performed by the coroner, his deputy, or a physician appointed by the coroner. If the coroner believes it necessary, he may order a dead body exhumed and have proper chemical or other examination made to determine the cause of death. A detailed description of the observations shall be written during the progress of the autopsy, or as soon thereafter as may be reasonably possible, and conclusions drawn therefrom shall be filed in the office of the coroner.

By Senator Hines.

S. B. No. 129. AN ACT relating to coroners, amending section 213.090 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 213.090 of the Kentucky Revised Statutes is amended to read as follows:

When a death occurs without the attendance of a physician within two weeks prior to death, the undertaker shall give notice and details of the death to the coroner in order that he shall determine the necessity of inquest before issuing burial permit. Any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease or the manner of death. If the death was from external causes of violence, he shall state whether, in his opinion the death was accidental, suicidal or homicidal. In any case he shall furnish the information required by the Division of Vital Statistics to properly classify the death.

By Senator Hines.

S. B. No. 130. AN ACT relating to the powers and duties of mayors of fourth class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 86.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mayor shall see that the laws and ordinances of the city are enforced and observed.

(2) The mayor may require written information from any city officer upon any subject relating to the duties of that officer.

(3) The mayor shall be the head of the city police, and may command them in the performance of their duties. He shall be a conservator of the peace, and when he considers it necessary in order to enforce the laws of the city, save life or property, or quell riots or mobs, he may summon into service any of the citizens either civil or military, and in such cases he shall be present and command in person. The city council, shall, by ordinance, prescribe fines and penalties for disobedience of the mayor's orders and summons.

(4) The mayor may suspend any city officer or employe, except councilmen, for misconduct in office or for neglect of duty, reporting his action, with his reasons therefor, in writing, to the next regular meeting of the common council, which shall take final action.

(5) The mayor shall perform any other duties imposed by ordinance.

Ordered that said bills be printed and referred.

REPORT OF COMMITTEE

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been referred previously, reported a bill of the following title, viz:

S. B. No. 82. AN ACT relating to liquefied petroleum gas.

With the expression of opinion that said bill should pass with Committee Amendments as follows, viz:

COMMITTEE AMENDMENT NO. 1

By striking from page 2, section 3, line 10 therefrom the word "and" and inserting in lieu thereof the word "or."

COMMITTEE AMENDMENT NO. 2

By striking from section 3, on page 3, line 40 the letter and punctuation marks (h) and inserting in lieu thereof (i).

COMMITTEE AMENDMENT NO. 3

By striking from section 3, page 4, all of lines 61, 62 and 63 and inserting in lieu thereof the following:

"that for the purpose of issuance of licenses under subsection (1) all facilities for the storage only of liquefied petroleum gas for resale within a."

Whereupon, said bill with Committee Amendments, was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 84. AN ACT amending Section 271.445 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 36. AN ACT relating to time.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 24. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 80. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals, and making an appropriation therefor.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 63. AN ACT relating to rules of pleading, practice, and procedure, and the forms thereof in civil actions and with limited application, in criminal proceedings.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 19. AN ACT relating to time.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

H. B. No. 69. AN ACT relating to income taxation.

Senator Moloney moved that consideration of said bill be deferred and that same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 21. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Senator Shaikun moved the Previous Question.

Whereupon the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Doug Hays	William J. Sample
Bernard J. Bonn	Thomas Hines	Clay Shackleford
Eugene H. Clark	Dr. J. E. Johnson	Leon Shaikun
Augustus Cornett	Alvin Kidwell	Paul Stapleton
Louis Cox	Bert Kiser	Otis C. Thomas
Archie Craft	James Lassiter	Wendell Van Hoose
Martin J. Duffy	C. W. A. McCann	Sylvester Wagner
Ernest M. Ford	James R. Mansfield	Ed P. Warriner
Wayne Freeman	Strother Melton	John M. Williams
Julian Golden	Richard P. Moloney	E. V. Withers
James P. Hanratty	O. W. Montgomery	—32

There voted in the negative—

Freeman Robinson —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 62. AN ACT relating to narcotic drugs, amending section 218.210 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Wayne Freeman	James Lassiter
Bernard J. Bonn	Julian Golden	Homer E. Losey
Eugene H. Clark	James P. Hanratty	C. W. A. McCann
Augustus Cornett	Doug Hays	James R. Mansfield
Louis Cox	Thomas Hines	Strother Melton
Archie Craft	Dr. J. E. Johnson	Richard P. Moloney
Martin J. Duffy	Alvin Kidwell	O. W. Montgomery
Ernest M. Ford	Bert Kiser	Freeman Robinson

William J. Sample	Otis C. Thomas	Ed P. Warriner
Clay Shackleford	Wendell Van Hoose	John M. Williams
Leon Shaikun	Sylvester Wagner	E. V. Withers
Paul Stapleton		—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 68. AN ACT to repeal, amend and re-enact Section 382.300, Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays beng taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Louis Cox	Ernest M. Ford
Eugene H. Clark	Archie Craft	Wayne Freeman
Augustus Cornett	Martin J. Duffy	Julian Golden

James P. Hanratty	James R. Mansfield	Paul Stapleton
Doug Hays	Strother Melton	Otis C. Thomas
Thomas Hines	Richard P. Moloney	Wendell Van Hoose
Dr. J. E. Johnson	O. W. Montgomery	Sylvester Wagner
Alvin Kidwell	Freeman Robinson	Ed P. Warriner
Bert Kiser	William J. Sample	John M. Williams
James Lassiter	Clay Shackleford	E. V. Withers
Homer E. Losey	Leon Shaikun	
C. W. A. McCann		—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

H. B. No. 72. AN ACT relating to births and deaths, amending section 213.150 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Paul Stapleton
Louis Cox	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Freeman Robinson	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

H. B. No. 73. AN ACT relating to the Kentucky Water Pollution Control Commission.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Paul Stapleton
Louis Cox	Homer E. Losey	Otis C. Thomas
Archie Craft	C. W. A. McCann	Wendell Van Hoose
Martin J. Duffy	James R. Mansfield	Sylvester Wagner
Ernest M. Ford	Strother Melton	Ed P. Warriner
Wayne Freeman	Richard P. Moloney	John M. Williams
Julian Golden	O. W. Montgomery	E. V. Withers
James P. Hanratty	Freeman Robinson	
Doug Hays		—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

H. B. No. 74. AN ACT relating to the Workman's Compensation Act authorizing the Tuberculosis Sanatoria Commission to elect to come under the provisions of the Act.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Paul Stapleton
Archie Craft	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Moloney	John M. Williams
James P. Hanratty	O. W. Montgomery	E. V. Withers
Doug Hays		—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

S. B. No. 41. AN ACT relating to the creation and establishment of public road districts in counties containing cities of the first class and in cities of the sixth class located in counties containing cities of the first class.

Senator Robinson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Thomas Hines	William J. Sample
Bernard J. Bonn	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	Bert Kiser	Paul Stapleton
Louis Cox	James Lassiter	Otis C. Thomas
Archie Craft	Homer E. Losey	Wendell Van Hoose
Martin J. Duffy	James R. Mansfield	Sylvester Wagner
Ernest M. Ford	Strother Melton	Ed P. Warriner
Wayne Freeman	Richard P. Moloney	John M. Williams
Julian Golden	O. W. Montgomery	E. V. Withers
James P. Hanratty	Freeman Robinson	
Doug Hays		—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Tuesday, February 5, 1952.

Said motion was agreed to.

And then the Senate adjourned.

TUESDAY, FEBRUARY 5, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend Doctor Fred T. Moffatt, Pastor of the First Baptist Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warriner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Jack R. Reynolds	—38

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Monday, February 4, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills and resolutions which originated in that body of the following titles, viz:

H. B. No. 4. AN ACT changing the classification of the City of Elsmere, in Kenton County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Elsmere, in Kenton County, is such as to justify its being assigned to the fourth class of cities.

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Elsmere, in Kenton County, is transferred from the sixth to the fourth class of cities.

H. B. No. 8. AN ACT relating to schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be nine months. The Superintendent of Public Instruction, upon the approval of the State Board of Education, may extend the minimum term to ten months when the resources of the school fund or contributions by local taxation or donations justify the extension, but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its terms beyond the minimum term set by the Superintendent of Public Instruction.

(2) If extending the term to the minimum provided in paragraph (1) of this Act will reduce the salaries of teachers in districts because of extending the terms of grades which were operated for less than nine months during the school year ending June 30, 1952, boards of education may operate such grades for less than nine months for such a term as will be approved by the Superintendent of Public Instruction as meeting the requirements of this Act. The reduction provided herein shall apply only to the school years ending June 30, 1953 and June 30, 1954 and may not be for more than twenty school days for either of the school years listed above."

H. B. No. 24. AN ACT relating to state aid for district tuberculosis sanatoria, amending section 215.320 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 215.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every tuberculosis sanatorium district within the provision of KRS 215.080 to 215.350, and every tuberculosis sanatorium district established under the provisions of Chapter 111 of the Acts of 1912 or Chapter 65 of the Acts of 1918, and amendments thereof, shall be entitled to receive from funds appropriated for that purpose on the first day of January, April, July and October of each year, two (2) dollars per day through June 30, 1954, and three (3) dollars per day thereafter, for each free tuberculosis patient treated and cared for in the sanatorium during the three calendar months next preceding those quarterly dates.

(2) Upon the district complying with the provisions of KRS 215.080 to 215.350, the Department of Finance shall draw its warrant upon the State Treasurer in favor of the district board of trustees for such sum.

This Act shall become effective July 1, 1952.

H. B. No. 70. AN ACT relating to fertilizer.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 250.370 of the Kentucky Revised Statutes is amended to read as follows:

Every quantity of commercial fertilizer in any shape or form whatever, sold, offered or exposed for sale in this state, shall be labeled in a conspicuous place on the container or, if sold in bulk, accompanied by a written or printed statement as required by KRS 250.400.

Section 2. Section 250.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) The information required by KRS 250.400 to be attached to container or accompany the selling or offering or exposing for sale of commercial fertilizers in this state shall be accepted as the guarantee of the manufacturer, dealer or agent that the fertilizer contains the kinds and amounts of essential ingredients printed on the label.

(2) No person shall fraudulently misrepresent any of the information required by KRS 250.400 to accompany every sale, offer or exposure for sale of commercial fertilizer.

(3) Any person who violates any of the provisions of subsection (2) shall, in addition to the criminal penalty, be liable for reasonable damages sustained by the purchaser of the fertilizer.

(4) A deficiency of one-fourth of one per cent in any of the essential ingredients shall not be considered evidence of fraudulent intent.

Section 3. Section 250.390 of the Kentucky Revised Statutes is amended to read as follows:

In each year, before any person shall sell, offer or expose for sale in this state any commercial fertilizer, he shall furnish to the director an affidavit, in such form and manner as the director prescribes, stating the name and address of the manufacturer, the name of the fertilizer, the number of net pounds in each container to be used and, in terms approved by the director, the minimum percentage of the essential ingredients guaranteed.

Section 4. Section 250.400 of the Kentucky Revised Statutes is amended to read as follows:

The director, upon receipt of the affidavit provided for in KRS 250.390, shall give the registrar permission to sell said fertilizer in the State of Kentucky, provided that the manufacturer either attach a label to each container, or print directly on the container the information required in KRS 250.390, or, in the case of bulk fertilizer, deliver to the purchaser a written or

printed statement setting out the total weight and the information required by KRS 250.390.

Section 5. Section 250.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) A fee of fifty cents shall be paid to the Kentucky Agricultural Experiment Station for each ton of commercial fertilizer sold in this state or brought into this state for consumption herein for agricultural purposes. This fee shall be paid only once on each ton of fertilizer and the manufacturer, dealer or agent introducing the fertilizer into the state shall be primarily liable therefor, however, any seller of the fertilizer may be required to pay the fee in the event it has not been collected theretofor.

(2) For the purpose of collecting the fee provided herein, every manufacturer or dealer primarily liable for the fee shall file, in such form as the director prescribes, a monthly, quarterly or semi-annual report, stating the number of net tons of commercial fertilizer introduced into the state during the period covered. The manufacturer or dealer shall have the option of reporting on a monthly, quarterly or semi-annual basis. Reports shall be filed by and the inspection fee due and payable on the tenth of the month following the period covered. Companies reporting on the quarterly basis shall file their reports by the tenth of April, July, October and January. Companies reporting on a semi-annual basis shall file their reports by the tenth of July and January. The director is authorized to verify in such manner as he deems advisable the records upon which such reports are founded.

Section 6. Section 250.420 of the Kentucky Revised Statutes is amended to read as follows:

If the director believes that any fertilizer offered for sale is of no practical manurial value he shall refuse registration.

H. B. No. 99. AN ACT relating to support of children, amending section 405.020 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 405.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The father and mother shall have the joint custody, nurture and education of their minor children. If either of the parents dies, the survivor, if suited to the trust, shall have the custody, nurture and education of the minor children. The father shall be primarily liable for the nurture and education of his minor children.

(2) The father and mother shall have the joint custody, care and support of their adult children who are wholly dependent because of permanent physical or mental disability. If either of the parents dies, the survivor, if suited to the trust, shall have the custody, care and support of such children. The father shall be primarily liable for the custody, care and support of wholly dependent adult children.

H. B. No. 100. AN ACT relating to the Department of Welfare including smoking regulation in the Penal Institutions and Houses of Reform.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Not withstanding the provisions of KRS 438.020 to 438.040 the Commissioner of Welfare is authorized to permit or prohibit the practice of smoking by the inmates of the Penal Institutions and Houses of Reform, regardless of the age of the inmates, whenever he believes such regulation will enhance or improve the discipline of the inmates of these institutions.

H. B. No. 140. AN ACT relating to traffic regulations and equipment of vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 189.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, while operating a vehicle on a highway, runs against or over, any other person vehicle or personal property, in possession of any other person in such a manner as to injure the other person or damage the property, shall immediately stop and ascertain the extent of the injury or damage and render such assistance as may be needed, including the carrying of the person or occupants of the vehicle to the nearest medical aid, if carrying is requested by the person struck, or by any occupant. The operator or person having or assuming authority of the operator, or ownership of the vehicle, shall give the occupant of the vehicle, or person struck, if requested, the registration number of the vehicle, if any, and also the names and addresses of the owner, the occupants and operator. The total names need not exceed five in number.

(2) The operator or owner of a vehicle involved in an accident shall forward a written report of the accident to the Department of State Police as provided in Kentucky Revised Statutes Section 187.320. The Department of State Police may also require witnesses of accidents to render reports.

H. B. No. 152. AN ACT relating to the ad valorem tax system of the state, counties, cities and other taxing districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

(1) Beginning January 1, 1953 and each year thereafter, the county clerk shall furnish weekly to the county tax commissioner a copy of the registration certificate for each motor vehicle registered. The address including the county in which the owner of the motor vehicle resides shall be shown on the copy of the registration certificate furnished. The county tax commissioner shall forward to the appropriate county tax commissioner all registration certificates showing a county of residence other than his own. If a motor vehicle is registered in the name of a previous owner and then transferred immediately, the county clerk shall forward a copy of the transfer certificate as well as a copy of the registration certificate to the county tax commissioner. The

county tax commissioner is authorized to list the motor vehicles listed on the registration certificate on the property tax rolls without notifying the taxpayer.

(2) The registration of a motor vehicle with the county clerk in order to operate it or permit it to be operated upon the highways shall be deemed consent by the registrant thereof for the motor vehicle to be assessed by the county tax commissioner at a valuation determined from a standard manual prescribed by the Department of Revenue for valuing motor vehicles for assessment unless the registrant appears in person before the tax commissioner to assess the vehicle.

(3) The registration of a motor vehicle on or before the date that the registration of such vehicle is required is prima facie evidence of ownership on January 1.

(4) This section does not apply to motor vehicles owned and operated by franchise companies, common carriers or agencies of the state and federal governments.

H. Res. No. 14. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest," and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. The Perry Publishing Company is authorized and directed to furnish 200 copies of "The Legislative Digest," each day the House or Senate is in session, for delivery and distribution as provided in Section 2 of this Resolution, for which said company shall be paid the sum of $4,500.00 out of the appropriation for expenses of legislative sessions for the current fiscal year made by Chapter one of the Acts of 1950. The Department of Finance shall issue its warrant for payment of this amount upon receipt of a voucher for the same endorsed and approved by the Speaker of the House of Representatives and the President of the Senate.

2. The distribution of "The Legislative Digest" shall be as follows:

(a) 110 copies to the Clerk of the House for distribution to the members of the House and to such officers of the House as the Speaker may direct.

(b) 45 copies to the Clerk of the Senate for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct.

(c) 45 copies to the Governor and to such officers and employes of the Commonwealth as the Governor, the President of the Senate and the Speaker of the House may direct.

3. WHEREAS, in order that the functions of the General Assembly may be expedited, it is essential that The Legislative Digest be available to the members during the present session, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

H. Res. No. 13. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky, there is set aside out of the appropriation made by Chapter one of the Acts of 1950 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars, and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives, of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter One of the Acts of 1950 for legislative sessions as a contingent fund, the sum of Two Thousand ($2,000.00) Dollars. Said respective funds, shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerks of the Senate and of the House of Representatives.

WHEREAS, it is necessary that these contingent funds for the Chief Clerks of the Senate and House of Representatives be immediately available, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Ordered that said bills and resolutions be printed and referred.

The message which was received from the House of Representatives further announced that they had concurred in a resolution which originated in the Senate of the following title, viz:

S. Res. No. 7. A CONCURRENT RESOLUTION concerning the naming of the body of water impounded by Wolf Creek Dam.

INTRODUCTION OF BILLS AND A RESOLUTION

The following bills and a resolution were introduced, viz:

By Senator Freeman.

S. B. No. 131. AN ACT to repeal, amend and reenact Sections 278.130, 278.190, 278.290, 278.410, and 278.450 Kentucky Revised Statutes, which sections relate to the regulation of utilities, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That Section 278.130, Kentucky Revised Statutes, be repealed, amended, and re-enacted to read as follows:

(1) For the purpose of maintaining the Public Service Commission, including the payment of salaries and all other expenses, and the cost of regulation of the utilities subject to its jurisdiction, the Commission shall each year assess the necessary amount upon the utilities in proportion to their gross earnings or receipts derived from intrastate business in Kentucky for the preceding calendar year, and shall notify each utility on or before May 31 of the amount assessed against it. The total

amount so assessed shall not in any year exceed $250,000, and the sum paid by each utility shall not be less than $5 in any one year.

(2) The assessments provided for in this section shall be in lieu of all other fees or assessments levied by any city or other political subdivision for the control or regulation of utilities.

Sec. 2. That Section 278.190, Kentucky Revised Statutes, be repealed, amended, and re-enacted to read as follows:

(1) Whenever any utility files with the Commission any schedule stating new rates, the Commission may, upon its own motion, or upon complaint as provided in KRS 278.260, and upon reasonable notice, enter upon a hearing concerning the reasonableness of the new rates.

(2) Pending such hearing and the decision thereon, and after notice to the utility, the Commission may, at any time before said schedule becomes effective, suspend the operation of said schedule and defer the use of such rate, charge, classification or service, but not for a longer period than five months beyond the time when it would otherwise go into effect; and after full hearings, either completed before or after the rate, charge, classification or service goes into effect, the Commission may make such orders with reference thereto as it deems proper in the matter. If the proceeding has not been concluded and an order made at the expiration of such five months the proposed change of rate, charge, classification or service upon motion of the utility shall go into effect at the end of such period. Where increased rates or charges are thus made effective the Commission may, by order, require the interested utility or utilities to keep an accurate account in detail of all amounts received by reason of such increase, specifying by number and in whose behalf such amounts are paid, and upon completion of the hearing and decision may, by further order, require such utility or utilities to refund to the persons in whose behalf such amounts were paid such portion of such increased rates or charges as by its decision shall be found unreasonable. Provided, however, if the Commission, at any time during said five months' suspension period, finds that an emergency exists or that the company's credit or operations will be materially impaired or damaged by the failure to permit said

rates to become effective during said five months' period, said Commission may after any hearing or hearings permit all or a portion of said rates to become effective under such terms and conditions as the Commission may, by order, prescribe.

(3) At any hearing involving the rate, or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the utility and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible, and in any event not later than ten months after the filing of such schedules.

(4) In the event the Commission, by order, directs any utility to make a refund, as hereinabove provided, of all or any portion of such increased rates or charges, the utility shall make the same within sixty days after a final determination of the proceeding by an order of the court or commission with or without interest in the discretion of the Commission. If the utility fails to make such refund within sixty days after such final determination, any party entitled to such refund may, after ten days' written demand, bring an action therefor in any court of competent jurisdiction of this state, and may recover, in addition to the amount of the refund due, legal interest, court costs and reasonable attorney's fees. No such action may be maintained unless instituted within one year after such final determination. Any number of persons entitled to such refunds may join in as plaintiffs in a single action and the court shall render a judgment severally for each plaintiff as his interest may appear.

Sec. 3. That Section 278.290, Kentucky Revised Statutes, be repealed, amended and re-enacted to read as follows:

(1) Subject to the provisions of subsection (2) of this section, the Commission may ascertain and fix the value of the whole or any part of the property of any utility in so far as the value is material to the exercise of the jurisdiction of the Commission, and may make revaluations from time to time and ascertain the value of all new construction, extensions and additions to the property of the utility. In fixing the value of any property under this subsection, the Commission shall give due consideration to the history and development of the utility and its property,

original cost, cost of reproduction as a going concern, capital structure, and other elements of value recognized by the law of the land for rate-making purposes.

(2) The Commission shall not value or revalue the property of any utility unless the valuation or revaluation is necessary or advisable in order to determine the legality or reasonableness of any rate or service or of the issuance of securities, and then only after an investigation affecting the rate, service or securities has been instituted by the Commission upon complaint or application or upon its own motion, and a hearing has been held on reasonable notice.

(3) In any rate investigation where the utility serves two or more municipalities, the Commission may, in computing the rate of return on the property used and useful, take as the base for the computation the valuation of the system as a whole, but may make a differential in the case of an individual municipality in proportion to the increased cost of service, if the utility can show that such a differential should be allowed.

Sec. 4. That Section 278.410, Kentucky Revised Statutes, be repealed, amended and re-enacted to read as follows:

(1) Any party to a proceeding before the Commission or any utility affected by an order of the Commission may within twenty days after being served with the order, or within twenty days after his application for rehearing has been denied by failure of the Commission to act, or within twenty days after being served with the final order on rehearing, when a rehearing has been granted, bring an action against the Commission in the Franklin Circuit Court to vacate or set aside the order or determination on the ground that it is unlawful or unreasonable.

(2) The answer of the Commission shall be served and filed within twenty days after service of the complaint. The action shall then be at issue and stand ready for trial upon ten days' notice to either party, on the equity side of the docket of the court. The answer need not deny verbatim the allegations of the petition, but a general denial thereof on behalf of the Commission shall be sufficient.

(3) Injunctive relief may be granted by the Circuit Court in the manner and upon the terms provided by law.

Sec. 5. That Section 278.450, Kentucky Revised Statutes, be repealed, amended and re-enacted to read as follows:

Upon final submission of any action brought under KRS 278.410, the Circuit Court shall enter a judgment either sustaining the order of the Commission or setting it aside or vacating it in whole or in part, or modifying it, or remanding it to the Commission with instructions. Either party to the action may, within sixty days after the entry of the judgment of the Circuit Court, appeal to the Court of Appeals, and the appeal, when filed in the office of the Clerk of the Court of Appeals, shall be docketed and advanced in the same manner as Commonwealth cases.

Sec. 6. WHEREAS, the present limitation of One Hundred Thirty Thousand Dollars on the annual assessment of utilities is not sufficient for the necessary operating expenses of the Public Service Commission for the fiscal year July 1, 1952 to June 30, 1953, and the present Act requires the Commission to notify each utility on or before the 31st day of May of each year of the amount assessed against it, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Senator Hanratty.

S. B. No. 132. AN ACT authorizing certain cities and counties to contribute public funds for charitable and welfare purposes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any city of the third class or the county containing such city is authorized to contribute public funds to any private agency or organization, or combination of such agencies or organizations, located in the city or county, performing charitable and welfare work among the citizens generally of the city or county.

By Senator Stapleton.

S. B. No. 133. AN ACT relating to prostitution, lewdness and assignation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 436.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) The term "prostitution" as used in this section shall be construed to include the giving or receiving of the body for sexual intercourse for hire, and shall also be construed to include the giving or receiving of the body for indiscriminate sexual intercourse without hire. The term "lewdness" shall be construed to include any indecent or obscene act. The term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or lewdness or any act in furtherance of such appointment or engagement.

(2) It shall be unlawful to engage in prostitution or to aid or abet prostitution or to procure or solicit any person for the purposes of prostitution, or to keep or set up a house of ill-fame, brothel, or bawdy house, or to receive any person for the purpose of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure or building, or to permit any person to remain for the purpose of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building, or to direct, take or transport, or to offer or agree to take or transport, any person to any vehicle, conveyance, place, structure, or building, or to any other person, with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness, or assignation, or to lease or rent or contract to lease or rent any vehicle, conveyance, place or structure, or building, or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited.

(3) Any person violating any provision of this section shall, upon the first conviction therefor, be fined not exceeding two hundred dollars or confined in the county jail for not more than one year or both. Upon any subsequent conviction the

penalty shall be imprisonment for not less than one nor more than three years.

(4) This section shall in no wise repeal any laws of the Commonwealth of Kentucky on the subject of prostitution and shall be construed by the courts as supplementary thereto.

By Senator Stapleton.

S. B. No. 134. AN ACT relating to the return of fugitives from justice.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 440.090 of the Kentucky Revised Statutes is hereby amended to read as follows:

When the Governor of this state makes requisition upon the Governor of another state for a fugitive from justice, the person or persons named in the requisition as the agent or agents of this state shall, unless a different condition is contained in the commission, be reimbursed from the State Treasury for all necessary expenses attendant to returning the prisoner from the other jurisdiction. If the agent or agents are not given possession of the fugitive, they shall nevertheless be allowed the compensation prescribed by this section. Upon the return of the fugitive to the county in which the jail named in the proclamation is located, the person or persons having him in charge shall go before a magistrate, who shall issue a mittimus to the jailer to receive the prisoner and keep him until he is discharged.

SECTION 2. In addition to the amount appropriated in the 1952 budget bill, there is hereby appropriated out of the general expenditure fund for the fiscal year beginning July 1, 1952, and ending June 30, 1953, and for the fiscal year beginning July 1, 1953, and ending June 30, 1954, the sum of fifteen thousand dollars ($15,000) for expenses incurred by returning fugitives from justice when authorized by the Governor.

By Senator Reynolds.

S. B. No. 135. AN ACT to prevent trespassing upon posted railroad property.

Said bill is as follows, viz:

WHEREAS, the presence of minor and adult persons trespassing upon railroad property endangers the safety of such persons; and

WHEREAS, the greater density of railroad traffic and of population, the increased speed of modern railroad locomotives and the increased use of machinery on railroad property have made it difficult to protect such trespassers; and

WHEREAS, the present laws of this Commonwealth relating to trespassers upon railroad property are inadequate to promote safety:

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person who trespasses upon any part of a railroad right of way, track, yard, place of storage, shop or other railroad property, without the consent of an authorized official of the railroad company owning or controlling the property, and after the railroad company has posted such part of its property with a sign at least twelve by twenty-four inches bearing conspicuously thereon the words "Railroad Property—No Trespassing" and showing generally or specifically the extent of the posted property, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both. For the second and each subsequent offense the maximum and minimum penalties shall be doubled.

Section 2. This Act does not apply to railroad stations, ticket offices or office buildings, to the peaceful presence or activities of employees of a railroad company during a labor dispute, or to public or private roads, streets, ways or easements crossing railroad property or over or on which railroad tracks are maintained.

Section 3. If the authorized official of a railroad company notifies the parent or guardian of a minor in writing that such minor has been found trespassing upon any railroad property in violation of this Act, and thereafter the parent or guardian knowingly permits or directs the minor to trespass upon railroad property that has been posted as provided in Section 1 of this Act, or fails to make reasonable effort to prevent the minor from so trespassing, the parent or guardian shall be fined not less than ten dollars nor more than one hundred dollars.

By Senators Warinner, Stapleton, Hines and Robinson.

S. B. No. 136. AN ACT relating to witness fees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 421.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 421.020 and subsection (2) of this section, a witness, subpoenaed or recognized to attend, shall be allowed three dollars for each day's attendance on court or arbitrators, or to give a deposition, or to give evidence on any legal occasion. Officers attending out of their county, under a subpoena duces tecum, shall be allowed four dollars per day. A witness who resides more than twenty miles from the place to which he is subpoenaed shall be allowed six cents per mile and ferriages and tollage in going and returning, in addition to his per diem. A witness in a civil case who resides more than twenty miles from the courthouse need not attend unless the mileage, tollage and ferriage is paid or tendered to him in advance, unless ordered to attend by the court without the payemnt or tender.

(2) Except as provided in KRS 26.410, a witness subpoenaed and attending a court inferior to the circuit court shall be allowed one dollar and fifty cents per day if he resides in the same justice's district in which the court is held and if he resides out of the district, he shall receive the same fee as a witness in circuit court. The witness shall claim his attendance in open court.

By Senator Hines.

S. B. No. 137. AN ACT relating to recounts in regular elections.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The provisions of KRS 122.060 authorizing a recount of ballots in primary elections shall be extended to and shall apply to regular elections for seats in the General Assembly, except that the circuit judge of the judicial circuit containing the city with the largest population in the voting district shall have jurisdiction of the recount, and that the provisions of KRS 122.060 providing for an election contest or a recount in connection with a contest shall not apply.

By Senator Cox.

S. B. No. 138. AN ACT relating to the condemnation of property for construction, reconstruction, and maintenance of highways and bridges and facilities related thereto, and repealing KRS 177.075.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commonwealth of Kentucky, Department of Highways, when it has, by Official Order, designated the route, location or relocation of a highway, limited access highway, bridge, roadside park, borrow pit, quarry, garage or other property or structure deemed necessary for the construction, reconstruction, or maintenance of an adequate system of highways, may, if unable to contract or agree with the owner or owners thereof, condemn the lands or material, or the use and occupancy of the lands designated as necessary. All property acquired under the provisions of this Act shall be in fee simple whenever so specified in the petition filed in the action. The Official Order of the Department of Highways shall be conclusive of the public use of the condemned property and the condemnor's

decision as to the necessity for taking the property will not be disturbed in the absence of fraud, bad faith, or abuse of discretion.

The provisions of this Act shall apply whether cost of property condemned is borne by Commonwealth of Kentucky, Department of Highways, or any county or municipality thereof.

The proceedings for condemnation shall be as provided in this Act.

Section 2. The Commonwealth of Kentucky, Department of Highways, when seeking to condemn lands and material and the use and occupancy of lands, under the provisions of Section 1 of this Act, shall direct the County Attorney or any attorney authorized to represent the Commonwealth to file a petition in the office of the County Court Clerk in the county in which all or the greater portion of the land or material is located. If any authorized attorney, other than the County Attorney, is directed to file the petition, the County Attorney shall assist in the prosecution of the action. The petition shall be filed in the name of the Commonwealth of Kentucky, Department of Highways and may join as plaintiff the county in which any part of the property is situated, or in which the petition is filed, or any municipality thereof. It shall state that it is filed under the provisions of this Act and shall contain, in substance:

(1) Allegations sufficient to show that the petitioner is entitled, under the provisions of Section 1 of this Act, to condemn the lands and material and the use and occupancy of the lands in question;

(2) A particular description of the land, the use and occupancy thereof, and the material sought to be condemned;

(3) An application to the County Court to appoint Commissioners to award the amount of compensation the owner thereof is entitled to receive therefor.

Section 3. The County Court shall appoint as Commissioners three impartial housekeepers who are owners of land. They shall be sworn to faithfully and impartially discharge their duties under this Section. The Commissioners shall view the

land or material sought to be condemned and they may hear evidence or make any inquiry they desire touching the value thereof and award to the owner or owners the value of the property taken. They shall also award any damages resulting to the adjacent lands of the owner or owners considering the purpose for which it is taken, but shall deduct from such damages the value of the advantages and profits that will accrue to the adjacent lands from the construction and prudent maintenance of the proposed project. They shall return a written report to the office of the Clerk of the County Court describing the property sought to be condemned stating separately each item of damage. They shall be allowed a reasonable fee which shall be taxed as cost.

Section 4. Upon the application of the petitioner, and the filing of any necessary affidavits, the Clerk of the Court shall issue process against the owner to show cause why the petitioner does not have the right to condemn the lands, or the use and occupation thereof, and material sought to be condemned. The summons shall contain a statement of the amount of the award. The Clerk shall make such orders as to nonresidents and persons under disability as are required by the Civil Code in actions against them in Circuit Court.

Section 5. Any answer or other pleading filed by the owner or owners in response to the summons shall be filed on or before the first day of the first regular term of the County Court after the owner or owners have been summoned the time prescribed by the Civil Code, and shall be confined solely to the question of the right of the petitioner to condemn the property sought to be condemned, but without prejudice to the owner's right to appeal from the amount of the compensation awarded in the manner provided in Subsection (1) of Section 7 of this Act.

Section 6.

(1) At the first regular term of the County Court after the owner has been summoned the length of time prescribed by the Civil Code before an answer is required, the Court shall examine the report of the Commissioners to determine whether it conforms to the provisions of Section 3 of this Act. If the report of

the Commissioners is not in the proper form the Court shall require the Commissioners to make such corrections as are necessary.

(2) If no answer or other pleading is filed by the owner or owners putting in issue the right of the petitioner to condemn the lands or the use and occupation thereof and the material sought to be condemned, the Court shall enter a judgment which shall contain, in substance:

(a) A finding that the petitioner has the right, under the provisions of Section 1 of this Act, to condemn the lands or the use and occupation thereof and material;

(b) A finding that the report of the Commissioners conforms to the provisions of Section 3 of this Act;

(c) An authorization to take possession of lands and materials for the purposes and under the conditions and limitations, if any, set forth in the petition, upon payment of all costs and the payment to the owner, or to the Clerk of the Court, the amount of the compensation awarded by the Commissioners;

(d) Proper provision for the conveyance of the title to the land and material, to the extent condemned, as adjudged therein, in the event no appeal is taken as provided in Subsection (1) of Section 7 of this Act.

Any appeal from such judgment by either party or both parties shall be confined solely to exceptions to the amount of compensation awarded by the Commissioners.

(3) If the owner has filed answer or pleading putting in issue the right of the petitioner to condemn the lands or use and occupation thereof and the material sought to be condemned, the Court shall, without intervention of jury, proceed to hear and determine whether or not the petitioner has such right. If the Court determines that petitioner has such right, judgment, as provided for in Subsection 2 of this Section, shall be entered. If the Court determines that petitioner does not have such right, it shall enter a judgment which shall contain, in substance:

(a) A finding that the report of the Commissioners conforms to Section 3 of this Act;

(b) A finding that the petitioner is not authorized to condemn the lands or the use and occupation thereof and the material for the purposes and under the conditions and limitations set forth in the petition, stating the particular ground or grounds on which the petitioner is not so authorized;

(c) An order dismissing the petition and directing the petitioner to pay all costs.

Section 7.

(1) Within 30 days from the date of a judgment authorizing the petitioner to take possession of the land and/or material, an appeal may be taken to the Circuit Court by either or both parties by filing with the Clerk of the Circuit Court a certified copy of the judgment, a statement of the parties to the appeal, and any exceptions the appellant has to the award made by the Commissioner. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed with the Clerk of the Circuit Court shall certify that fact to the Clerk of the County Court and the latter immediately shall transfer the original papers to the Clerk of the Circuit Court. The statement of grounds of appeal of either party may be amended as provided in the Civil Code for the amendment of a pleading. The appeal shall be tried de novo, but shall be limited to the questions which are raised in the original exceptions or statement of the grounds of appeal, or as amended. Provided, however, that in any case where the road, bridge, or other structure has not been completed by the time the action ordinarily would stand for trial on appeal, either party may file an affidavit stating that fact, and the case shall not stand for trial until such project is completed, but no trial shall be delayed for this reason beyond one year from the date of filing said affidavit. All questions of fact pertaining to the amount of compensation to the owner or owners shall be determined by jury, which jury on the application of either party, shall be sent by the Court, in the charge of the Sheriff, to view the land and material. Upon an appeal to the Circuit Court and after a jury trial therein, and if possession of the land and material condemned has not previously been taken by the condemnor, it may do so upon payment to the owners, or to the

Clerk of the Circuit Court, the amount of the compensation adjudged by the Circuit Court to be due the owners and by paying all costs of the action.

(2) Within 30 days from the date of a judgment dismissing a petition, an appeal may be taken to the Circuit Court by the petitioner by filing with the Clerk of the Circuit Court a statement of the parties to the appeal and a certified copy of the judgment. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed the Clerk of the Circuit Court shall certify that fact to the Clerk of the County Court and the latter immediately shall transfer the original papers to the Clerk of the Circuit Court. Upon reasonable notice to the owner, such an appeal shall be tried at the earliest convenience of the Court without the intervention of a jury, at any regular or special term or by the Judge in vacation. At such trial, either party may present evidence relating to the right of the petitioner to condemn the land and material sought to be condemned. If the Judge of the Circuit Court finds that the petitioner has the right to condemn said property, the case shall not be remanded but the Judge or Court shall enter an order setting forth his findings and authorizing the petitioner to take possession of the lands and materials for the purposes and under the conditions and limitations set forth in the petition upon the payment to the owner, or to the Clerk of the Circuit Court, the amount of compensation awarded by the Commissioners in their report to the County Court. Within 30 days from the date of the order of the Circuit Court authorizing the petitioner to take such possession, either party may file exceptions to the award of the Commissioners. If no exceptions to the award are filed, the Court, on motion of the condemnor, shall enter a final judgment in the case. If either party files exceptions pertaining to the amount of the award, the issues of fact shall be tried by a jury in the Circuit Court as though on appeal from a judgment of the County Court, as provided in Subsection (1) of Section 7 of this Act.

(3) Appeals may be taken to the Court of Appeals from the final judgment of the Circuit Court as in other cases except that an appeal by the owner shall not operate as a supersedeas.

(4) The payment by the condemnor of the amount of compensation awarded and the taking possession of the lands and material condemned shall not prejudice its right to appeal from the judgment of any court, nor shall the acceptance by the owner of the amount of the compensation awarded prejudice his right to appeal from the judgment of any court.

(5) If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter increased upon an appeal, the condemnor shall pay interest to the owner at the rate of six percent (6%) per annum upon the amount of such increase from the date the condemnor took possession of the land and material. If the condemnor takes possession of the land and material condemned and the amount of compensation is thereafter decreased upon an appeal, the condemnor shall be entitled to a personal judgment against the owner for the amount of the decrease plus interest at the rate of six percent (6%) per annum from the date the owner accepted the amount of compensation the condemnor paid into Court or to the owner. If the owner at all times refuses to accept the payment tendered by the condemnor, no interest shall be allowed in the judgment against the owner for the amount of the decrease.

(6) Upon the final determination of an appeal, the Circuit Court shall make such orders as may be proper for the conveyance of the title, to the extent condemned, to the land and material.

Section 8. All money paid into Court or paid or transferred to the Clerk of a Court under the provisions of this Act shall be received by the Clerk of the Court and held subject to the order of the Court, for which the Clerk and his sureties on his official bond shall be responsible to the persons entitled thereto.

Section 9. Where there are conflicting claimants to the land sought to be condemned and all such parties are before the Court, each claimant, for the purposes of the condemnation proceeding only, shall be deemed to be an owner, and the procedure for the condemnation of the land shall be as provided in this Act except that, before the condemnor shall be entitled to take possession of the land, it shall be required to pay the compensation awarded therein to a receiver appointed by the

Court or to the Master Commissioner of the Circuit Court, to be held for the benefit of, and paid over to such persons as may thereafter be determined to be entitled to receive it. In such cases, the claimants may have their rights determined in a separate action, but the filing of such action or its pendency shall in no wise stay or delay said condemnation proceedings.

Section 10. All proceedings under this Act shall be governed by the provisions of the Civil Code of Practice except where the provisions of this Act specifically or by necessary implication provide otherwise.

Section 11. KRS 177.075 is hereby repealed.

By Senator McCann.

S. B. No. 139. AN ACT relating to the powers and duties of the Council on Public Higher Education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 164.020 of the Kentucky Revised Statutes is amended to read as follows:

The Council on Public Higher Education in Kentucky shall:

(1) Coordinate the work and determine the curricular offerings of the state institutions of higher learning for white persons in Kentucky, on the basis of efficiency and economy.

(2) Determine the amount of entrance fees and the qualifications for admission to each of such institutions.

(3) Consider the budgetary requirements of each of such institutions and, on the basis of the needs of the various institutions as indicated by the individual budgets submitted, recommend to the Department of Finance a budget covering the needs of the institutions.

(4) Require such reports from the executive officers of each of such institutions as it deems necessary for the effectual performance of its duties.

(5) Publish at least biennially a report of the educational and financial affairs of such institutions.

(6) Elect, if it deems necessary, a secretary.

(7) Prepare schedules for athletic contests whereby each of such institutions, except the University of Kentucky, shall play the other institutions.

(8) Require the University of Kentucky, upon the request of the University of Louisville, to schedule such athletic contests as such latter institution requests; and to require said University of Kentucky to schedule contests with the next two highest aided institutions in this state.

By Senator Moloney.

S. B. No. 140. AN ACT relating to a Department of Mental Health, and its establishment, organization, personnel, powers, duties, functions, funds and facilities, including provisions for the transfer of functions, funds and facilities from other state departments or agencies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (1) There hereby is created a Department of Mental Health which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall be headed by a Commissioner of Mental Health who shall be the executive officer and shall have sole charge of the administration of the department.

(2) The commissioner shall have authority, with the approval of the Governor, to appoint an assistant commissioner and directors of the various divisions in the department, and prescribe their duties. The assistant commissioner may be designated as director of a division.

(3) The commissioner shall have authority to prescribe rules and regulations for the administration of the department and of the institutions under the control of the department.

Sec. 2. (1) The Commissioner of Mental Health shall be a qualified physician with approved training in psychiatry and with a minimum of five years' successful experience in clinical psychiatry and administrative psychiatry. The assistant commissioner shall have the same qualifications, except that the minimum experience requirement shall be three years. The superintendents of the institutions operated by the department shall be qualified physicians with a minimum of three years' experience in the administration of the hospitals providing care for the mentally ill. Professional personnel of the department shall possess such qualifications as are prescribed by the commissioner.

(2) The compensation of the commissioner shall be fixed by the Governor, without regard to any limitation imposed by KRS 64.640. The compensation of other personnel of the department shall be fixed by the commissioner in accordance with KRS 64.640 and 64.650. The commissioner, the assistant commissioner, and the superintendents of the institutions operated by the department shall be allowed maintenance for themselves and family in addition to salary. Maintenance may be allowed to institutional employes in accordance with regulations prescribed by the Department of Finance under KRS 64.640.

Sec. 3. There hereby is created an Advisory Council of Mental Health, within the Department of Mental Health, which shall consist of the Commissioner of Mental Health, ex officio, and twelve members, including physicians, psychiatrists and laymen, appointed by the Governor, who shall serve for terms of four years, and until their successors are appointed, except that the members first appointed shall be so appointed that the terms of three members will expire each year. The appointed members shall receive their actual and necessary expenses in attending meetings of the council. The Governor shall each year appoint a chairman from among the psychiatrist members of the council. The council shall serve in an advisory capacity to the Commissioner of Mental Health.

Sec. 4. The Department of Mental Health shall:

(1) Exercise all functions of the state in relation to the administration and operation of all state institutions for the care

and treatment of the mentally ill, not including any institution for the feeble-minded.

(2) Establish or acquire, in accordance with the provisions of KRS 56.440 to 56.550, other or additional facilities for psychiatric care and treatment of persons who are or may become state charges.

(3) Cooperate with the Department of Health and with other state agencies for the development of a state-wide mental health program looking toward the prevention of mental disease and the post-institutional care of persons released from public or private mental hospitals.

(4) Provide for the custody, maintenance, care and medical and psychiatric treatment of the patients of the institutions operated by the department.

(5) Provide psychiatric consultation for the state penal and correctional institutions, and for the state institutions operated for children or for the feeble-minded.

(6) Administer and supervise programs for the non-institutional care of mentally ill persons, not including the administration of the pauper idiot law.

(7) Supervise private mental hospitals receiving state aid or receiving patients committed by order of a court.

Sec. 5. The Department of Mental Health shall be divided for administrative purposes into:

(1) A Division of Professional Services, which shall supervise the administration of the clinical work in institutions.

(2) A Division of Business Administration, which shall be responsible for administration of the functions of the department in relation to budgets, expenditures, purchasing, maintenance, building projects, reimbursements, statistics and records, food service and personnel.

(3) Such other divisions as the commissioner, upon written authorization of the Governor, may establish for administrative supervision of other functions of the department.

Sec. 6. Each of the institutions operated by the Department of Mental Health shall be under the immediate management of a superintendent appointed by the Commissioner of Mental Health. The Superintendents shall be specifically charged with the medical and psychiatric treatment and care of the patients, and with the training and research programs, of their respective institutions. Each superintendent shall have the general management of his institution, and the patients thereof, subject to the rules and regulations of the departments, and, except as provided in section 12 of this Act, shall devote his entire time to the duties of his position. Each superintendent, subject to the approval of the commissioner, shall employ the necessary personnel for his institution, including both professional and nonprofessional employes. Employes shall be selected for merit and fitness only, and except as provided in section 13 of this Act or when employed for special or temporary service, shall give all of their time to the service of the department. A superintendent may be removed from office, by the commissioner, with approval of the Advisory Council of Mental Health.

Sec. 7. No employe of an institution operated by the Department of Mental Health, after having served in his position continuously for six months, shall be removed from his position except as provided in this section. The superintendent of the institution may suspend the employe, from pay and from duties, upon a written statement of cause furnished to the employe. Within ten days thereafter the employe may apply to the Commissioner of Mental Health for a hearing. Thereupon the commissioner shall convene a board of review consisting of the commissioner and two other suitable persons appointed by him, and shall fix a time and place at which the board will conduct a hearing, of which reasonable notice shall be given to the employe and the superintendent. Upon the basis of the hearing, the board shall either authorize the removal of the employe, or direct that he be reinstated, either in his former position or in a similar position in another of the institutions operated by the department. Any order of removal or reinstatement shall relate back to the date of suspension. Unless application for a hearing is made within the time specified, the employe shall be deemed to have been removed as of the date of suspension.

Sec. 8. The Commissioner of Mental Health may transfer between the institutions operated by the department, or to the headquarters of the department, any superintendent or institutional employe. Necessary moving expenses involved in such transfers shall be paid by the department.

Sec. 9. Neither the commissioner, the assistant commissioner, the director of a division, the superintendent of any institution, nor any other officer or employe of the Department of Mental Health shall be permitted to engage in any political activity. Any political activity on the part of an institutional employe shall be cause for his dismissal, in accordance with section 8 of this Act.

Sec. 10. No officer or employe of any institution operated by the Department of Mental Health shall be required to give personal attendance as a witness in any civil suit out of the county in which the institution is located, but his deposition shall be taken in lieu thereof.

Sec. 11. (1) No officer in the Department of Mental Health shall sell anything to any institution under the control of the department, or make any contract, in which he is personally interested, with such institution.

(2) No officer or employe of the department shall accept any gift or fee for any purpose from any person who has at the time or has had a contract to do anything connected with the department or any of its institutions.

Sec. 12. No officer or employe of the Department of Mental Health shall receive or accept any compensation for personal services other than that paid by the state, except that the commissioner, and other officers and employes when so authorized by the commissioner, may be employed in, and receive compensation from outside activities such as teaching, research or community service work, to an extent that will not interfere with the performance of the duties of their office or employment.

Sec. 13. Religious instruction and ministration for patients of the institutions operated by the Department of Mental

Health shall be provided for in the same manner as provided in KRS 196.240 for other state institutions.

Sec. 14. (1) Pursuant to agreement entered into by the heads of the departments concerned, a patient or inmate of a state institution operated by one state department may be transferred to a state institution operated by another state department, except that:

(a) An inmate may be transferred from a penal or correctional institution only as provided in KRS 202.380 and 431.240.

(b) No patient or inmate may be transferred to a penal or correctional institution unless he has been committed to such institution by judgment of a court.

(c) No patient or inmate may be transferred to an institution for the mentally ill or feeble-minded, except for a period of observation not to exceed thirty-five days, unless he has been adjudged mentally incompetent by a court and has been committed to a state institution for the mentally ill or feeble-minded. However, this shall not apply to transfers under KRS 202.380 or 431.240.

(2) When a patient or inmate committed by court order to one institution is transferred to another institution pursuant to this section, the order of commitment shall be deemed to apply to the institution to which transferred.

Sec. 15. The Division of Agricultural Production in the Department of Welfare, under agreements with the Department of Mental Health, shall supervise the management and operation of any farm or agricultural facilities attached to or a part of any of the institutions operated by the Department of Mental Health. The products of any such farm or agricultural facility shall be furnished to the institution for its use or sold or exchanged for the use of the institution.

Sec. 16. The Department of Mental Health may acquire farm lands for the uses and purposes of its institutions, in accordance with the provisions of KRS 56.440 to 56.550. The University of Kentucky shall furnish investigational services for this purpose in the same manner as provided in KRS 196.130.

Sec. 17. The Department of Mental Health may accept money from the Federal Government, or any of its agencies, under any grant agreement entered into by this state or by the department. Such money may be expended for capital outlay in accordance with the provisions of KRS 56.440 to 56.550. The department also may accept grants, gifts, bequests or devises from public or private sources, and use the same for any purpose within the scope of the functions of the department, consistent with the terms of the grant, gift, bequest or devise.

Sec. 18. There shall be established and maintained, at each of the institutions operated by the Department of Mental Health, a canteen which shall be incorporated and self-supporting. The directors of each canteen shall be the Commissioner of Mental Health, the assistant commissioner, the Director of Business Administration, and the superintendent and business manager of the institution. All profits from each canteen shall be used exclusively for the benefit of the patients of the institution.

Sec. 19. The Commissioner of Mental Health may utilize the services of the workers of the Department of Mental Health, and the social workers of the Department of Welfare or the Department of Economic Security, when authorized by the commissioners of those departments. The Commissioner of Mental Health may authorize payment of the actual traveling expenses of the workers so utilized.

Sec. 20. At least four times in each calendar year, the Commissioner of Mental Health shall visit or cause to be visited by the assistant commissioner, or a physician of the staff of one of the institutions, every state institution over which the Department of Mental Health has control. The visits shall be made on such days and at such hours of the day or night, and for such length of time, as the inspecting officer may choose. In addition to these regular visits, the inspecting officer may make such other visits as the commissioner deems necessary. Every visit shall include an inspection of every part of the institution, including the buildings and grounds in connection therewith, an examination of all records and the methods of administration, the general and special dietary, and of every patient confined there-

in, especially those admitted since the preceding visit, giving them suitable opportunity to converse with the inspecting officer, apart from the officers and attendants of the institution. The inspecting officer shall examine the officers, attendants and other employes, and make inquiries to determine their fitness for their respective duties.

Sec. 21. No patient of any of the institutions operated by the Department of Mental Health shall be denied the right to correspond with an attorney or with the commissioner.

Sec. 22. The Commissioner of Mental Health may prescribe appropriate records to be maintained covering the operations of the department and of the institutions operated by it, and covering commitment procedures. Any record forms applicable to commitment procedures shall be furnished to each court having jurisdiction to commit mentally ill persons, and the records contemplated by such forms shall thereafter be made by the committing courts.

Sec. 23. The Commissioner of Mental Health is authorized to establish training schools within the department or within any of the institutions operated by the department, for the training of necessary personnel for the institutions, or may arrange for the training of employes or prospective employes in any public or private school or institution having available facilities for that purpose. Funds of the department may be used to pay salaries to employes, or to pay tuition and subsistence for employes or prospective employes, while receiving such training. Any employe or prospective employe who is paid a salary, or for whom tuition and subsistence are furnished, while receiving such training, shall be required to enter into a contract, prior to receiving such training, that unless he continues in the employ of the department for at least a period equivalent to the training period, immediately following the completion of such training, he will reimburse to the department the sum paid to or for him by the department during the period of his training.

Sec. 24. (1) The Commissioner of Mental Health may appoint, for each of the institutions operated by his department, a board of visitors consisting of not less than three nor more than ten citizens having an interest in the problems of mental health.

The members of each board shall serve during the pleasure of the commissioner, and without compensation.

(2) Each board of visitors shall visit at least once a year the institution for which it was appointed, and shall report to the commissioner the conditions found to exist in the institution, together with recommendations for improvements in the administration of the institution. The board shall be given free access to the institution and its patients for the purpose of such visits.

Sec. 25. (1) Any officer who violates subsection (1) of section 12 of this Act shall be fined not less than $250 nor more than $1,000.

(2) Any officer or employe who violates subsection (2) of section 12 of this Act shall ipso facto forfeit his office or position, and the office or position shall be declared vacant.

(3) Any person who willfully violates section 14 or section 22 of this Act shall be fined not less than $25 nor more than $100.

Sec. 26. Section 203.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Feeble-minded person," "epileptic," "idiot," "lunatic," "insane person," "person of unsound mind" and "pauper idiot or lunatic" have the same meaning as defined in KRS 202.010.

(2) "Institution" means any hospital or institution for feeble-minded, epileptic, or insane persons.

(3) "State institution" means an institution for feeble-minded, epileptic or insane persons which receives fifty percent or more of its support from state funds.

(4) "Health officer" means any person charged with enforcing the health laws of the state or any political subdivision thereof.

(5) "Department" means the Department of Mental Health, and any reference to the "Department of Welfare," the "Divi-

sion of Hospitals and Mental Hygiene," the "Commissioner of Welfare," or the "Director of the Division of Hospitals and Mental Hygiene," shall be deemed to refer, respectively, to the Department of Mental Health and the Commissioner of Mental Health, except that where any of the quoted names or designations are used with reference to a state institution for the feeble-minded they shall be deemed to refer to the Department of Welfare and the Commissioner of Welfare.

Sec. 27. A new section of the statutes is created to be numbered KRS 202.015 and to read as follows:

Wherever used in this chapter, the terms "department," "Department of Welfare," "Division of Hospitals and Mental Hygiene," "Commissioner of Welfare," and "Director of the Division of Hospitals and Mental Hygiene," shall be deemed to refer, respectively, to the Department of Mental Health and the Commissioner of Mental Health, except that where any of the quoted terms are used with reference to a state institution for the feeble-minded they shall be deemed to refer to the Department of Welfare and the Commissioner of Welfare.

Sec. 28. Section 202.170 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Mental Health shall prescribe from time to time, by regulations, for the designation of hospital districts, for the purpose of determining to which of the state institutions for the mentally ill the persons committed from each county shall initially be sent.

Sec. 29. Section 196.100 of the Kentucky Revised Statutes is amended to read as follows:

The department shall prescribe rules and regulations for the government of the state institutions for the feeble-minded, for the proper maintenance and treatment of patients, for the preservation of buildings and grounds, for the use and cultivation of farms and gardens, and for the sale of surplus produce, the purchase of clothing, food, medicine and necessary supplies.

Sec. 30. Section 196.150 of the Kentucky Revised Statutes is amended to read as follows:

The department may accept money from the Federal Government, or any of its agencies, under any grant agreement entered into by the State of Kentucky or the Department of Welfare. Such money may be expended for capital outlay in accordance with the provisions of KRS 56.440 to 56.550.

Sec. 31. Section 196.160 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Welfare shall appoint a superintendent, a receiver and other necessary employes for each of the state penal and correctional institutions, and for the state institution for the feeble-minded, and shall fix their compensation, which may include maintenance, in accordance with the provisions of KRS 64.640 and 64.650.

Sec. 32. Section 196.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent shall have the general management of the institution, and the inmates thereof, subject to the rules and regulations of the department, and he shall devote his entire time to the duties of his office.

(2) The superintendent of each institution shall be held responsible for the management of his institution and shall be subject to removal at any time by the commissioner.

Sec. 33. Section 196.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) The superintendent of the institution for the feeble-minded shall be a person with special experience in the training and care of the feeble-minded. He shall have had at least two years' administrative experience in a qualified institution for the care and treatment of the feeble-minded.

(2) The educational director of the institution for the feeble-minded shall be a college graduate, presenting evidence of special training and experience in the education of feeble-minded or backward school children, and shall have had at least one year's experience in teaching feeble-minded or backward children.

(3) The qualifications of other institutional employes shall be such as the Commissioner of Welfare prescribes.

Sec. 34. Subsection (3) of section 196.010, section 196.080, and sections 196.350 to 196.450, of the Kentucky Revised Statutes, are repealed.

Sec. 35. All personnel, properties, funds, records and facilities of every nature, of the Division of Hospitals and Mental Hygiene of the Department of Welfare, except such as are devoted to the operation of the state institution for the feebleminded, hereby are transferred to the Department of Mental Health. Any appropriation, including any revolving, trust or agency fund account, made or provided for by the General Assembly for the fiscal years 1952-1953 and 1953-1954, for the administration of the Division of Hospitals and Mental Hygiene in the Department of Welfare, or for the operation of the state institutions for the mentally ill, shall be deemed to have been appropriated to the Department of Mental Health.

Sec. 36. This Act shall take effect on July 1, 1952.

By Senator Losey.

S. Res. No. 11. A JOINT RESOLUTION authorizing James D. Waddle, of Somerset, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That James D. Waddle, of Somerset, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Pulaski Circuit Court for damages to his property caused by the Department of Highways while constructing a road.

Said suit shall be for a sum not in excess of ten thousand dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, as

he deems it advisable. Any amount recovered in said sum or by settlement with the Attorney General shall be paid out of the Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event said suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of the negligence on the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said bills and resolution be printed and referred.

REFERRAL OF BILLS

Senator Moloney, Chairman of Committee on Committees announced the referral of the following bills and resolutions:

H. B. No. 95. Ky. Statutes No. 2
H. B. No. 96. Ky. Statutes No. 2
H. B. No. 97. Ky. Statutes No. 2
H. B. No. 98. Ky. Statutes No. 2
H. B. No. 115. Ky. Statutes No. 2
H. B. No. 22. Ky. Statutes No. 2
H. B. No. 101. Ky. Statutes No. 2
H. B. No. 59. Ky. Statutes No. 2
S. B. No. 120. Ky. Statutes No. 2
S. B. No. 119. Ky. Statutes No. 2
S. B. No. 102. Ky. Statutes No. 2
S. B. No. 93. Ky. Statutes No. 2
S. B. No. 97. Ky. Statutes No. 2
S. B. No. 98. Ky. Statutes No. 2
S. B. No. 99. Ky. Statutes No. 2
S. B. No. 100. Ky. Statutes No. 2
S. B. No. 101. Ky. Statutes No. 2

S. B. No. 103. Ky. Statutes No. 2
S. B. No. 106. Ky. Statutes No. 2
S. B. No. 112. Ky. Statutes No. 2
S. B. No. 113. Ky. Statutes No. 2
S. B. No. 114. Ky. Statutes No. 2
S. B. No. 115. Ky. Statutes No. 2
S. B. No 117. Ky. Statutes No. 2
S. B. No. 105. Agriculture
S. B. No. 126. Appropriations
H. Res. No. 5. Aviation
S. Res. No. 8. Claims
S. Res. No. 9. Claims
S. Res. No. 10. Claims
S. B. No. 92. Claims
S. B. No. 116. Criminal Law
S. B. No. 122 & No. 123. Criminal Law
S. B. No. 108. Classification of Towns and Cities
S. B. No. 95. Education
S. B. No. 121. Education
S. B. No. 109. Education
H. B. No. 11. Election and redistricting
H. B. No. 14. Election and redistricting
H. B. No. 1. Fish and Game
H. B. No. 55. Judiciary and Judicial Council
H. B. No. 116. Judiciary and Judicial Council
S. B. No. 94. Judiciary and Judicial Council
S. B. No. 96. Judiciary and Judicial Council
H. B. No. 53. Ky. Statutes No. 1
S. B. No. 110. Ky. Statutes No. 1
S. B. No. 118. Ky. Statutes No. 1
S. B. No. 128. Ky. Statutes No. 1
S. B. No. 129. Ky. Statutes No. 1

S. B. No. 111. Motor Vehicles, Commerce and Common Carriers

S. B. No. 124. Motor Vehicles, Commerce and Common Carriers

S. B. No. 125. Motor Vehicles, Commerce and Common Carriers

S. B. No. 107. Municipalities

S. B. No. 127. Municipalities

S. B. No. 130. Municipalities

H. B. No. 42. Revenue and Taxation

S. B. No. 104. Rural Roads and Highways

H. B. No. 26. Veterans Committee

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 82. AN ACT relating to liquefied petroleum gas.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

Senator Moloney moved that the Senate do now recess until 2 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and presided over the Senate.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 24. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick (With Committee Amendments)

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 80. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals, and making an appropriation therefor.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Alvin Kidwell	William J. Sample
Eugene H. Clark	Bert Kiser	Clay Shackleford
Louis Cox	James Lassiter	Leon Shaikun
Archie Craft	Earl F. Martin	Cortis K. Stacy
Martin J. Duffy	Strother Melton	Paul Stapleton
Julian Golden	Richard P. Moloney	Wendell Van Hoose
James P. Hanratty	O. W. Montgomery	John M. Williams
Doug Hays	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	
Dr. J. E. Johnson		—26

Those who voted in the negative were—

Ernest M. Ford	Thomas Hines	Sylvester Wagner
Wayne Freeman	C. W. A. McCann	

—5

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that S. B. No. 63, with amendments, be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Thereupon the Senate took up for consideration from the Orders of the Day said bill entitled as follows, viz:

S. B. No. 63. AN ACT relating to rules of pleading, practice, and procedure, and the forms thereof in civil actions and with limited application, in criminal proceedings.

With the following committee amendments, viz:

Committee Amendment No. 1.

Amend printed copy of S. B. 63 by substituting "July 1" in place of "January 1" on page 2, section 1, line 9, and on page 3, section 6, line 1, and on page 4, section 8, lines 4 and 5.

Committee Amendment No. 2.

Amend printed copy of S. B. 63 on page 3, section 2, line 26 by substituting "ninety days" in lieu of "thirty days."

Senator Shackelford moved that the Senate do now adopt Committee Amendment No. 1.

Said motion was agreed to.

Senator Shackelford moved that the Senate do now adopt Committee Amendment No. 2.

Said motion was agreed to.

And thereupon said committee amendments were adopted.

Senator Shackelford moved the previous question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Moloney	John M. Williams
James P. Hanratty	O. W. Montgomery	E. V. Withers
Doug Hays	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—37

There voted in the negative—
Thomas Hines —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with committee amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 19. AN ACT relating to time.

Senator Moloney moved that consideration of said bill be deferred and that same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 36. AN ACT relating to time.

Senator Williams moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	Bert Kiser	Clay Shackleford
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Otis C. Thomas
Ernest M. Ford	C. W. A. McCann	Wendell Van Hoose
Wayne Freeman	James R. Mansfield	Sylvester Wagner
Julian Golden	Earl F. Martin	Ed P. Warriner
James P. Hanratty	Strother Melton	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Jack R. Reynolds	

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Those who voted in the negative were—

Bernard J. Bonn	Richard P. Moloney	Paul Stapleton
Martin J. Duffy	Leon Shaikun	

—5

Senator Montgomery moved the adoption of the following amendment to title of said bill, viz:

Amendment to title of H. B. No. 36

This Act shall be known and cited as "The Williams-Moorman Anti-Daylight Saving Time Act."

Said motion was agreed to.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 24. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Senator Moloney moved that the Senate do now recommit said bill.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 19. AN ACT relating to time.

Senator Moloney moved that the Senate do now recommit said bill.

Said motion was agreed to.

And thereupon said bill was recommitted.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 84. AN ACT amending Section 271.445 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	Bert Kiser	Cortis K. Stacy
Louis Cox	James Lassiter	Paul Stapleton
Archie Craft	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warriner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Jack R. Reynolds	

—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 69. AN ACT relating to income taxation.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Alvin Kidwell	William J. Sample
Louis Cox	Bert Kiser	Clay Shackleford
Archie Craft	James Lassiter	Leon Shaikun
Martin J. Duffy	James R. Mansfield	Cortis K. Stacy
Wayne Freeman	Strother Melton	Wendell Van Hoose
Doug Hays	Richard P. Moloney	John M. Williams
Stanley Hoffman	O. W. Montgomery	E. V. Withers
Dr. J. E. Johnson	Jack R. Reynolds	

—23

Those who voted in the negative were—

H. Stanley Blake	James P. Hanratty	Paul Stapleton
Eugene H. Clark	Thomas Hines	Otis C. Thomas
Augustus Cornett	Homer E. Losey	Sylvester Wagner
Ernest M. Ford	C. W. A. McCann	Ed P. Warriner
Julian Golden	Freeman Robinson	—14

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORTS OF COMMITTEES

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been previously referred, reported bills of the following titles, viz:

H. B. No. 115. AN ACT permitting the creation of a County Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and providing for the classification, qualification, examination, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities, providing penalties therefor and repealing laws in conflict.

S. B. No. 106. AN ACT concerning Commonwealth's attorneys, assistant Commonwealth's attorneys, district detectives and stenographers.

S. B. No. 103. AN ACT concerning enforceability of contracts of infants executed to obtain benefits of federal law providing for the making or guaranteeing of loans to war veterans.

H. B. No. 101. AN ACT relating to the trusts and agency fund of the metal stamping plant in the Department of Welfare.

H. B. No. 22. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

S. B. No. 115. AN ACT, relating to compensation and maintenance of persons performing public services in positions requiring the services of a physician.

S. B. No. 117. AN ACT related to utilities in cities of the third class, providing for the amendment of subsection (2) and (5) of section 96.176, section 96.182, and subsection (3) of section 96.183 of the Kentucky Revised Statutes.

With the expression of opinion that said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 21. AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same between the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

H. B. No. 62. AN ACT relating to narcotic drugs, amending section 218.210 of the Kentucky Revised Statutes.

H. B. No. 68. AN ACT to repeal, amend and re-enact Section 382.300, Kentucky Revised Statutes.

H. B. No. 72. AN ACT relating to the births and deaths, amending section 213.150 of the Kentucky Revised Statutes.

H. B. No. 73. AN ACT relating to the Kentucky Water Pollution Control Commission.

H. B. No. 74. AN ACT relating to the Workman's Compensation Act authorizing the Tuberculosis Sanatoria Commission to elect to come under the provisions of the Act.

Thereupon, all other business was suspended, said bills

were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bills to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Wednesday, February 6, 1952.

Said motion was agreed to.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 6, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend Doctor Fred T. Moffatt, Pastor of the First Baptist Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Dr. J. E. Johnson	William J. Sample
Bernard J. Bonn	Alvin Kidwell	Clay Shackleford
Eugene H. Clark	Bert Kiser	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warriner
Julian Golden	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Thomas Hines	Jack R. Reynolds	
Stanley Hoffman	Freeman Robinson	—37

The following Senators were absent—

Jas. P. Hanratty —1

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Tuesday, February 5, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martn moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF BILLS

The following bills were introduced, viz:

By Senator Clark.

S. B. No. 141. AN ACT concerning licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 186.150 of the Kentucky Revised Statutes is amended to read as follows:

(2) The use of a license of any state other than Kentucky by a resident of this state on his car driven over Kentucky highways shall be prima facie evidence of guilt. Provided, the owner of any vehicle purchased in another state, and bearing the license of such state, shall have a period of ten days from the date of purchase of such vehicle in which to obtain registration and license plates in the county of his residence.

By Senator Hays.

S. B. No. 142. AN ACT relating to giving notice to the traveling public of the approach of trains to public highway crossings; amending Section 277.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 277.170 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Whenever, in the opinion of the Railroad Commission, the public interest requires that a gate be erected or maintained, or a flagman stationed, or an electric warning signal installed at any highway crossing in the Commonwealth of Kentucky, the Commission shall give to the company owning or operating the railroad written notice that a gate or flagman or an electric danger signal is required at a particular highway crossing in Kentucky.

(2) If a gate is required, the notice shall prescribe the time within which the gate shall be erected, and the character of gate required, and shall designate the hours during which a man shall be kept in charge of the gate.

(3) If a flagman is required, the notice shall designate the hours during which he shall be kept at the crossing. The railroad company shall comply with the provisions of the notice.

(4) The Railroad Commission may authorize the discontinuance of the gate, flagman, or the electric danger signal whenever in its judgment the public interest no longer requires such warning to the traveling public of the approach of trains at said particular public highway crossing on the railroad at that point.

By Senator Shaikun.

S. B. No. 143. AN ACT relating to inspection of state mental institutions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Kentucky Legislative Research Commission shall conduct periodic inspections of each of the state mental institutions in the Commonwealth and report a summary of its findings in writing to the General Assembly not later than the first week of each of its regular sessions. For the purpose of carrying out the provisions of this Act the Legislative Research Commission is authorized to appoint a subcommittee of not more than eleven members of the General Assembly.

By Senator McCann.

S. B. No. 144. AN ACT relating to the destroying, breaking, tearing down, writing upon, marring, handling or carrying away of any rock, wall, or other formation within any cave exhibited to the public as a natural attraction, without the consent of the owner.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who, without permission from the owner, shall destroy, break, tear down, write upon, mar, handle or carry away any rock, wall, or other formation within any cave exhibited to the public as a natural attraction shall be fined not less than five dollars nor more than one hundred dollars, or imprisoned not less than five nor more than thirty days, or both.

By Senator Moloney.

S. B. No. 145. AN ACT relating to crimes and punishments.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who, by negligent operation of a motor vehicle, causes the death of another, under circumstances not otherwise punishable as a homicide, shall be fined not more than $5,000 or imprisoned in the county jail for not more than one year, or both.

By Senator Kiser.

S. B. No. 146. AN ACT relating to liens, amending section 376.150 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 376.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the property or effects of any mine, railroad or canal, or other public improvement company, or of any rolling mill, foundry or other manufacturing establishment, or of any other business, whether incorporated or not, are assigned for the benefit of, or are to be distributed among creditors, whether by operation of law or by its own act, the employees of the owner or operator of the business shall have a lien upon the property and effects which have been involved in the business and upon the accessories connected therewith, including any interest in real property used in carrying on the business.

(2) Any person who has furnished materials or supplies for carrying on or operating any railroad shall likewise have a lien upon the property of the company involved in the business and upon the accessories connected therewith, including the interest of the company in the real property used in carrying on the business.

By Senator Bonn.

S. B. No. 147. AN ACT relating to the control and suppression of air pollution; creating an air pollution control district in each county of the Commonwealth; providing procedure by which, and conditions under which, a district may be activated and organized; providing for the names and general and specific powers of the districts; providing for an air pollution control board and a hearing board for each district; providing for the powers and duties of such boards, and for the appointment, powers and duties of officers and employees of the districts; providing generally ways and means to effect the purposes of this Act; authorizing appropriations to the districts by counties and cities of the first and second classes; prohibiting the emission of smoke and other air contaminants of a greater density or opacity than those standards established herein; prohibiting the emission of other air contaminants under conditions described herein; declaring that the general assembly does not intend to occupy the field; specifying what are violations of this Act; affording injunctive relief against certain violations; providing for the penalties to be imposed upon violators of this Act; providing for appeals to the courts of the Commonwealth; and declaring an emergency to exist.

Said bill is as follows, viz:

WHEREAS, the people of the Commonwealth of Kentucky have a primary interest in atmospheric purity and freedom of the air from any air contaminants, and

WHEREAS, it appears that in many portions of the Commonwealth the air is polluted with smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gasses, odors, particulate matter, and others air contaminants, all of which are detrimental to the public peace, health, safety, and welfare of the people of the Commonwealth, and

WHEREAS, in other portions of the Commonwealth the air is not so polluted, and

WHEREAS, it is not practical or feasible to prevent or reduce such air contamination by local ordinance, and

WHEREAS, it is necessary to reduce such air contamination and pollution in order to safeguard life, health, property and the public welfare and to make possible the comfortable enjoyment of life and property,

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. As used in this chapter, unless the context requires otherwise:

(a) "Legislative Body" means the chief legislative body of the City, whether it is the Board of Aldermen, General Council, Board of Commissioners, or otherwise.

(b) "Air Contaminant" or "Air Contaminants" includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gasses, odors, or particulate matter, or any combination thereof.

(c) "District" means an air pollution control district.

(d) "Person" means any individual, firm, co-partnership, joint adventure, association, corporation, social club, fraternal organization, estate, trust, receiver, syndicate, any county, city,

municipality, district (for air pollution control or otherwise), or other political subdivision, or any group or combination acting as a unit, and the plural as well as the singular unit.

(e) "Ringelmann Chart" means that standard published by the United States Bureau of Mines to determine the density of smoke.

ARTICLE I

CREATION OF DISTRICTS

SECTION 2. In each county of the Commonwealth there is hereby created an air pollution control district.

SECTION 3. The boundaries of every air pollution control district shall be coextensive with the boundaries of the county within which it is situated.

SECTION 4. An air pollution control district shall not transact any business or exercise any of its powers under this chapter until or unless the fiscal court of the county within which such district is situated, by proper resolution, declares at any time hereafter that there is need for an air pollution control district to function in such county, Provided:

In any county containing a city of the first or second class, it shall also be necessary, before the district of such county is qualified to transact any business or exercise any of its powers under this chapter, that the legislative body of such city, by proper ordinance, declare, at any time after the aforementioned resolution has been made by the fiscal court of such county, that there is need for an air pollution control district to function in such city.

SECTION 5. The fiscal court of any county desiring to place its air pollution control district in operation and the legislative body of a city of the first or second class in such county must hold separate public hearings prior to and for the purpose of determining whether or not there is need for an air pollution control district to function.

SECTION 6. Notice of the time and place of such public hearing shall be given by the body conducting the hearing by publication at least once in a newspaper of general circulation

within the district not less than fifteen days nor more than forty-five days before such hearing. If no newspaper of general circulation is published within the district, notice shall be given of the time and place of public hearing by posting in a public place not less than ten days before such hearing.

SECTION 7. The fiscal court may adopt a resolution declaring that there is need for an air pollution control district to function if from the evidence received at such public hearing it finds:

(1) That the air within such county is so polluted with air contaminants as to be injurious to health, or an obstruction to the free use of property, or offensive to the senses of a considerable number of persons, so as to interfere with the comfortable enjoyment of life or property.

(2) And further that for any reason it is not practical to rely upon the enactment or enforcement of local ordinances to prevent or control the emission of smoke, fumes, or other substances which cause or contribute to such pollution.

SECTION 8. The legislative body of a city of the first or second class may adopt an ordinance declaring that there is need for an air pollution control district to function if from the evidence received at such public hearing it finds:

(1) That the air within such city is so polluted with air contaminants as to be injurious to health, or an obstruction to the free use of property, or offensive to the senses of a considerable number of persons, so as to interfere with the comfortable enjoyment of life or property.

(2) And further that for any reason it is not practical to rely upon the enactment or enforcement of local ordinances to prevent or control the emission of smoke, fumes, or other substances which cause or contribute to such pollution.

SECTION 9.

(1) A resolution of the fiscal court declaring that there is need for an air pollution control district to function is sufficient if it finds that there is need for an air pollution control district

to function, and finds in substantially the wording of Section 7 of this chapter that both the conditions enumerated therein exist. No further detail is necessary.

(2) An ordinance of the legislative body of a city of the first or second class declaring that there is need for an air pollution control district to function is sufficient if it finds that there is need for an air pollution control district to function, and finds in substantially the wording of Section 8 of this chapter that both the conditions enumerated therein exist. No further detail is necessary.

SECTION 10. A copy of a resolution of the fiscal court declaring that there is need for an air pollution control district, duly certified by the county clerk, is admissible in evidence in any suit, action or proceeding.

SECTION 11. A copy of an ordinance of the legislative body of a city of the first or second class declaring that there is need for an air pollution control district, duly certified by the clerk of such legislative body, is admissible in evidence in any suit, action or proceeding.

SECTION 12. The district shall be known by and under the name of Air Pollution Control District of————County, and under such name shall be a public body corporate and a political subdivision of the Commonwealth.

SECTION 13.

(1) Upon the adoption of the resolution by the fiscal court of the county in which the district is to function, and, where necessary pursuant to Section 4 of this chapter, the passage of the ordinance by the legislative body of a city of the first or second class within such county, the district shall immediately begin to function.

(2) After the adoption of the resolution of the fiscal court of the county in which the district is to function, and, where necessary pursuant to Section 4 of this chapter, the passage of the ordinance by the legislative body of a city of the first or second class within such county, the regular activation and organization of the district shall be finally and conclusively estab-

lished against all persons except the Commonwealth of Kentucky upon suit commenced by the Attorney General. The activation and organization of said district shall not be directly or collaterally questioned in any suit, action or proceeding instituted by any other person.

SECTION 14.

(1) The district shall have power to sue and be sued, contract and be contracted with, make rules and regulations and do all other things necessary to carry out the provisions of this chapter.

(2) The district shall have the power to take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers. It shall also have the power to lease, sell or dispose of any property or any interest therein whenever in the judgment of the air pollution control board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

ARTICLE II

OFFICERS

SECTION 15.

(1) The members of the fiscal court of a county shall be, and they are hereby designated as, and empowered to act as, ex officio the air pollution control board of the air pollution control district in such county.

(2) All county officers, their assistants, clerks, deputies and employees, and all other county employees shall be ex officio officers, assistants, deputies, clerks and employees respectively of the air pollution control district in the county in which they are employed. Except as otherwise provided in this chapter, they shall perform respectively the same various duties for the air

pollution control district as for the county without additional compensation, in order to carry out the provisions of this chapter.

(3) The provisions of this section shall not be applicable to any county containing a city of the first or second class.

SECTION 16.

(1) In a county containing a city of the first or second class, the air pollution control board of the air pollution control district shall consist of seven members, three of whom shall be appointed by the County Judge, subject to the approval of the fiscal court, and four of whom shall be appointed by the Mayor of the city of the first or second class within such county. The Mayoral appointments shall be subject to the approval of the legislative body of the city.

(2) The Mayor shall appoint, subject to the approval of the legislative body of the city, one member for a term of one year, one member for a term of two years, one member for a term of three years, and one member for a term of four years, and the County Judge, subject to the approval of the fiscal court, shall appoint one member for a term of two years, one member for a term of three years, and one member for a term of four years, and upon the expiration of each of said terms respectively, and thereafter, the term of each of such members shall be four years, and until their successors are appointed and qualified.

(3) All air pollution control board members appointed pursuant to this section must be freeholders within the district; those appointed by the County Judge must be residents of such county, and those appointed by the Mayor must be residents of such city.

(4) Not more than four of the seven board members appointed pursuant to this section shall be of the same political party affiliation, nor shall an officer or employee of such city or county, whether holding a paid or unpaid position, be eligible for appointment to the board.

(5) A member of the air pollution control board is eligible to succeed himself. A vacancy in the membership shall be filled by an appointee of the Mayor or of the County Judge as the

case may be, for the unexpired portion of the term. An appointee to a vacancy shall have the same qualifications as any regularly appointed member.

(6) Any member of the board appointed by a Mayor may be removed, for cause, after a hearing, by the legislative body of such city, and after ten days notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the legislative body shall be final and removal results in vacancy in such office.

(7) Any member of the board appointed by a County Judge may be removed, for cause, after a hearing, by the Fiscal Court of such County, and after ten days notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the Fiscal Court shall be final and removal results in vacancy in such office.

(8) As used in this section "Mayor" means the chief executive of the city whether the official designation of his office is Mayor, City Manager, or otherwise.

SECTION 17. All air pollution control board members shall serve without compensation other than recovery of actual expenses from the district funds.

SECTION 18.

(1) Regular meetings of each air pollution control board shall be held at least once in each calendar month. The time and place of the meetings shall be fixed by the board.

(2) A majority of the members of the board shall constitute a quorum for the purpose of conducting business and exercising powers and for all other purposes. The affirmative vote of at least a majority of the membership of the board shall be necessary for the adoption of any motion, measure, or resolution, unless in any case the by-laws of the board require a larger number.

SECTION 19.

(1) In a county containing a city of the first or second class,

the air pollution control board shall, in July of each year, elect from its members a chairman and a vice chairman who shall be of different political party affiliation. The board shall employ a competent Secretary-Treasurer and an air pollution control officer, neither of whom shall be a member of the board. The Secretary-Treasurer and the air pollution control officer shall each devote his entire time and attention exclusively to the services of the board.

(2) The air pollution control officer shall be an engineer by profession, and shall be a graduate of a recognized university or college and shall be thoroughly familiar with the theory and practice of the construction and operation of furnaces and combustion devices, or in the theory of the prevention and control of air pollution.

(3) The Secretary-Treasurer and the air pollution control officer may be removed by the board, for cause, after hearing by it and after at least ten days notice in writing shall have been given to the Secretary-Treasurer or the air pollution control officer, as the case may be, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the board shall be final.

(4) The board may provide for assistants, deputies, clerks, attaches, and other persons to be employed by the Secretary-Treasurer and the air pollution control officer, and the times at which they shall be appointed.

SECTION 20.

(1) In all counties other than those provided for in Section 19, the air pollution control board of the air pollution control district may appoint an air pollution control officer, and may provide for assistants, deputies, clerks, attaches and other persons to be employed by the air pollution control officer, and the times at which they shall be appointed.

(2) An air pollution control officer appointed pursuant to this section shall have the qualifications set forth in Section 19 of this chapter.

(3) Such air pollution control officer may be removed by

the board, for cause, in the manner provided for the removal of air pollution control officers in Section 19 (3) of this chapter.

SECTION 21. The air pollution control board of any air pollution control district in the Commonwealth may employ and remove at pleasure professional and technical advisers, experts, and other employees, skilled or unskilled, as it deems requisite for the performance of its duties.

SECTION 22. An air pollution control board shall require the Secretary-Treasurer and the air pollution control officer each to execute bond, and may exact from such of its other officers and employees bonds as it may deem expedient. All such bonds shall be payable to the district in such sums as the board may fix with approved corporate surety, and premiums therefor shall be paid by the district. Such bonds shall obligate the makers thereof to faithfully perform the duties of their respective offices and positions and to fully account for and pay over all money, property or other thing of value of the district, which may come to their hands, respectively.

SECTION 23.

(1) The air pollution control board of an air pollution control district shall appoint a hearing board to consist of three members, none of whom is a member of the air pollution control board, and only two of whom may be of the same political party affiliation. Two members of the hearing board shall have been admitted to practice law in this Commonwealth. Both shall be residents and freeholders of the district. Neither shall be otherwise employed by the air pollution control district or by any other municipal corporation or political subdivision of the Commonwealth. The third member of the hearing board shall be an engineer by profession, and shall be a graduate of a recognized university or college and shall be thoroughly familiar with the theory and practice of the construction and operation of furnaces and combustion devices, or in the theory of the prevention and control of air pollution. The latter member shall not be otherwise employed by the air pollution control district or the air pollution control board appointing the hearing board, but may be an employee of some other political subdivision or municipal cor-

poration of the Commonwealth. He need not reside nor own property within the district.

(2) The air pollution control board shall appoint one member of the hearing board for a term of one year, one member for a term of two years, and one member for a term of three years. Thereafter the terms of members of the hearing board shall be three years. A member of the hearing board shall be eligible to succeed himself. A vacancy in the membership shall be filled by an appointee of the air pollution control board for the unexpired portion of the term. Such an appointee shall have the same qualifications as a regularly appointed member.

(3) Any member of the hearing board may be removed by the air pollution control board, for cause, after a hearing by the air pollution control board, and after at least ten days notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the air pollution control board shall be final, and removal results in vacancy in such office.

SECTION 24. Any person having any interest in the sale or control of any air pollution prevention equipment or apparatus which might be used effectively to reduce the emission of air contaminants shall not be eligible to be a member of an air pollution control board or of a hearing board, or to be the Secretary-Treasurer of an air pollution control board, or an air pollution control officer, or any assistant, deputy, clerk, attache, or employee of an air pollution control officer or Secretary-Treasurer, or to be any other employee of an air pollution control board or district.

ARTICLE III

FUNCTIONING OF DISTRICT

SECTION 25. The air pollution control board is hereby declared to be the governing body of an air pollution control district, and shall manage and control all the affairs and property of such district, and shall exercise all the powers of such district not otherwise delegated by this chapter.

SECTION 26. The air pollution control board shall determine the compensation of, and pay from district funds, the Secretary-Treasurer of the air pollution control board, his assistants, deputies, clerks, attaches, and other employees, the air pollution control officer, his assistants, deputies, clerks, attaches, and other employees, the members of the hearing board, and all other employees of the air pollution control board. The salaries and compensation paid shall be in line with that paid by the county, or a city of the first or second class within the county, for similar services.

SECTION 27. In order to provide money for carrying out the purposes of this chapter, the fiscal court of a county within which the air pollution control district has been activated and the legislative body of a city of the first or second class within such county, if there be any such city, may annually appropriate funds to such district. If there be such city within the county, the appropriations shall be in such proportion as may be agreed upon between the city legislative body and the fiscal court. Such funds shall be deposited in the treasury of the air pollution control district.

SECTION 28. The fiscal year of an air pollution control board district shall begin on the first day of July of each year and end with June 30 next following.

SECTION 29. It shall be the duty of the Secretary-Treasurer of an air pollution control board of a county containing a city of the first or second class, during or before the month of May of each year to prepare and certify to the fiscal court of the county and to the legislative body of the city, for their joint consideration, a preliminary budget showing the total funds which, in the judgment of the air pollution control board, will be needed for the various departments of the district, together with a statement showing the estimated balances, if any, which will be available on July 1 for expenditure during the next fiscal year following the certification of said statement, and also indicating, as nearly as may be possible, what additional funds or assets (other than appropriations) will be or will become available for expenditure during said year. The board shall also furnish to said fiscal court and said legislative body any other information or

data available to it which said fiscal court or said legislative body may request.

SECTION 30.

(1) Prior to the first day of each fiscal year, every air pollution control board shall prepare, for its own use and guidance, a financial budget setting forth the total amounts of funds available from all sources for expenditures during the said fiscal year, and also setting forth in detail the estimated expenditures of the board and the district during said fiscal year.

(2) A contingent fund for unanticipated expenditures may be established in order to provide for such contingent and unanticipated needs as may arise during the district's said fiscal year.

SECTION 31. The air pollution control board of a county containing a city of the first or second class shall install and maintain a modern and efficient system of accounting and keep financial records. The board, however, may select and use the finance department of such city to do its financial accounting and make its disbursements in such manner as may be agreed upon by and between the board and the director of finance of said city, which work shall be done by said finance department without compensation from the board. The Auditor of Public Accounts of the Commonwealth of Kentucky, the comptroller and inspector of such city, and the county auditor of such county, respectively, shall have access to the books and records of the board, and upon the direction of the legislative body of such city the said comptroller and inspector, or upon the direction of the fiscal court of such county, the county auditor, shall make an audit of the board's accounts and report back thereon.

SECTION 32. The air pollution control officer shall observe and enforce, within his air pollution control district:

(a) The provisions of this chapter;

(b) All orders, regulations, and rules prescribed by the air pollution control board of the air pollution control district pursuant to this chapter;

(c) All variances and standards which the hearing board has prescribed pursuant to this chapter.

SECTION 33. In enforcing the provisions of this chapter and the orders, regulations, rules, variances, and standards of the air pollution control board and the hearing board, the air pollution control officer, his deputies and his assistants are peace officers.

ARTICLE IV

PROHIBITIONS

SECTION 34. The provisions of this article do not apply within any air pollution control district unless and until, pursuant to resolution and ordinance as provided in Article I of this chapter, such air pollution control district may function and exercise its powers.

SECTION 35. A person shall not by himself, his agent or employee, or as agent or employee of another, discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines,

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in Subsection (a) of this section.

SECTION 36. A person shall not by himself, his agent or employee, or as agent or employee of another, discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

SECTION 37. The provisions of Sections 35 and 36 of this chapter shall not be applicable:

(a) To buildings used exclusively for private residences and containing less than five dwelling units. To all larger residential buildings of whatever type these sections shall be fully effective and applicable;

(b) When a fire box, furnace, boiler, locomotive or other fuel consuming device is being cleaned out and a new fire is being built therein, in which event a smoke of a density as great or greater than that described as No. 2 on the Ringelmann Chart shall be permitted for a period not to exceed six minutes in any single period of sixty minutes.

(c) To equipment used for agricultural operations in the growing of crops, or raising of fowl or animals;

(d) To smoke from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer for the purpose of weed abatement, the prevention of a fire or health hazard, or the instruction of public employees in the methods of fighting fire, which is, in the opinion of such officer, necessary.

SECTION 38. The air pollution control officer, his deputies and assistants, during reasonable hours, for the purpose of enforcing or administering this chapter or of any order, regulation or rule prescribed pursuant thereto, may enter every building, premises, or other place, except a building designed for and used exclusively as a private residence and may stop, detain and inspect any vehicles whether designed for and used on a public highway, rails, or in any other manner. No person shall in any way deny, obstruct, or hamper such entrance, or such stopping, detaining or inspection of such vehicle, or refuse to stop such a vehicle upon the lawful order of the air pollution control officer, his deputy or assistant.

SECTION 39. The General Assembly does not, by the provisions of this chapter, intend to occupy the field. The provisions of this chapter do not prohibit the enactment or enforcement of any local ordinance stricter than the provisions of this article and stricter than the rules and regulations adopted pursuant to Article V of this chapter, which local ordinance prohibits, regulates or controls air pollution.

SECTION 40. The provisions of this chapter do not supersede any such local ordinance. If it should be held that the provisions of this chapter supersede the provisions of any local ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance was in full force and effect.

SECTION 41. Nothing in this Article limits in any way the power of the air pollution control board to make needful orders, rules, and regulations pursuant to Article V of this chapter. Nothing in this Article permits any action contrary to any such order, rule, or regulation.

SECTION 42. Any violation of any provision of this Article may be enjoined in a civil action brought by the air pollution control board, the air pollution control officer, or any person aggrieved by such violation. Such abatement may be in addition to the fine hereinafter provided.

SECTION 43. Every person who violates any provision of Sections 35, 36, or 38 of this chapter is guilty of a misdemeanor and shall be fined not more than $100.00 nor less than $10.00 for each offense. Every day or any portion thereof during which any violation of these sections occurs or continues constitutes a separate offense.

ARTICLE V

RULES AND REGULATIONS

SECTION 44. The air pollution control board of an air pollution control district may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter for the administration of such district, and may perform all other acts necessary or proper to accomplish the purposes of this chapter.

SECTION 45. The air pollution control board shall not enact any order, rule or regulation until it first holds a public hearing thereon. It shall give not less than 10 days notice of the time and place of such public hearing by publication in a newspaper of general circulation published within the district. If no newspaper of general circulation is published within the district

it shall give notice of the time and place of public hearing by posting in a public place not less than 10 days before such hearing.

SECTION 46. Whenever the air pollution control board finds that the air in the air pollution control district is so polluted as to cause any discomfort or property damage at intervals to a substantial number of inhabitants of the district, the air pollution control board may make and enforce such orders, rules, and regulations as will reduce the amount of air contaminants released within the district.

SECTION 47. The air pollution control board may require by regulation that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance specified by such regulation the use of which may cause the issuance of air contaminants, such person shall obtain a permit to do so from the air pollution control officer.

Insofar as the regulations do not grant an automatic permit for the operation or use of any article, machine, equipment or contrivance in existence upon the effective date of such regulations, a permit shall not be required without first affording the owner, operator, or user thereof a reasonable time within which to apply for such permit, and to furnish the air pollution control officer the information required pursuant to Section 53.

SECTION 48. The air pollution control board may require that before the air pollution control officer issues a permit to build, erect, alter, or replace any equipment, that the plans and specifications show, and that the permit issued by the air pollution control officer require, that such building, erection, alteration, or replacement will be done in such a manner, and that such approved equipment be used, as the air pollution control board finds will eliminate or reduce the discharge of any air contaminants.

SECTION 49. A permit shall not be required for:

(a) Any mobile equipment.

(b) Any structure designed for and used exclusively as a dwelling for less than five families.

(c) Equipment used for agriculture operations in the growing of crops, or raising of fowl or animals.

(d) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted. As used in this section, maintenance does not include operation.

SECTION 50.

(1) The air pollution control board may contract with the county in which the air pollution control district is located, and may contract with any city within the district, and the county and any such city may contract with the air pollution control district, for the performance of such work in the name of, and subject to the approval of, the air pollution control officer by the building department or other officer, department, or agency of the county or such city charged with the enforcement of regulations pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or enlargement of buildings or structures, as will accomplish all or part of the purposes of Sections 47 and 48 of this chapter.

(2) In a county containing a city of the first or second class, such contracts may provide for the consideration, if any, which the air pollution control district shall pay to such county or city.

(3) In all other counties such contracts may provide for the consideration, if any, which shall be paid to such city. In no event shall any consideration be paid by the district to such counties for such services.

SECTION 51. The air pollution control board may provide by regulation a schedule of fees not exceeding the estimated cost of issuing such permits and inspection pertaining to such issuance to be paid for the issuance of such permits. Every person applying for a permit shall pay the fee required by such schedule.

SECTION 52. A contract entered into pursuant to Section 50 of this chapter may provide that fees for permits shall be paid to the county or city, the officer, department, or agency of which county or city issues the permit, and may be retained

by such county or city in whole or in part as the consideration, or part thereof, for issuing such permits. Otherwise, all fees paid for the issuance of permits shall be paid into the district treasury.

SECTION 53. The air pollution control officer at any time may require from an applicant for, or holder of, any permit provided for by the regulations of the air pollution control board, such information, analyses, plans, or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source.

SECTION 54. If the holder of any permit provided for by the regulations of the air pollution control board within a reasonable time willfully fails and refuses to furnish to the air pollution control officer information, analyses, plans, or specifications requested by such air pollution control officer, the air pollution control officer may suspend the permit. He shall serve notice in writing of such suspension and the reasons therefor on the permittee.

SECTION 55. Within 10 days after receipt of notice of suspension the permittee may file with the hearing board a demand for a public hearing as to whether or not the permit was properly suspended.

SECTION 56. The air pollution control officer shall reinstate a suspended permit when all information, analyses, plans, and specifications are furnished.

SECTION 57. The air pollution control officer may reinstate a suspended permit where, in his opinion, good reasons exist therefor.

SECTION 58. The air pollution control officer may request the hearing board to hold a public hearing to determine whether a permit should be revoked, or a suspended permit should be reinstated.

SECTION 59. Within 30 days after either the air pollution control officer or the permittee has requested a public hearing the hearing board shall hold such a hearing and give notice of the time and place of such hearing to the permittee, to the air pollution control officer and to such other persons as

the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

SECTION 60. After a public hearing, the hearing board may:

(a) Continue the suspension of a permit suspended by the air pollution control officer, or

(b) Remove the suspension of an existing permit invoked by the air pollution control officer pending the furnishing by the permittee of the information, analyses, plans, and specifications required, or

(c) Find that no violation exists and reinstate an existing permit, or

(d) Revoke an existing permit, if it finds:

(1) The permittee has failed to correct any conditions required by the air pollution control officer, or

(2) A refusal of a permit would be justified, or

(3) Fraud or deceit was employed in the obtaining of the permit, or

(4) Any violation of this chapter or of any rule or regulation of the air pollution control board.

SECTION 61.

(1) It shall be considered a violation of this chapter for any person to:

(a) Knowingly make any false statement in any application for a permit or in any information, analyses, plans, or specifications submitted either in conjunction therewith, or at the request of the air pollution control officer; or

(b) Build, erect, alter, replace, use, or operate any source capable of emitting air contaminants for which a permit is required by the regulations of the air pollution control district when his permit so to do has been either suspended or revoked; or

(c) Build, erect, alter, replace, use, or operate any source

capable of emitting air contaminants without first obtaining a permit so to do, where such permit is required by the regulations of the air pollution control board; or

(d) Build, erect, alter, or replace, operate or use any such article, machine, equipment, or other contrivance contrary to the provisions of any permits issued under regulations adopted pursuant to this Article; or

(e) Violate any order, rule, or regulation of an air pollution control district. Every day or portion thereof during which such violation occurs or continues is a separate offense.

(f) Fail or neglect to furnish information, analyses, plans, or specifications required by the air pollution control officer.

(2) Every person who violates any provision of this Article is guilty of a misdemeanor and shall be fined not more than $100.00 nor less than $10.00 for each offense.

SECTION 62. Any violation of any provision of Sections 61 (1) (b), 61 (1) (c), 61 (1) (d), or 61 (1) (e) of this chapter may be enjoined in a civil action brought by the air pollution control board, the air pollution control officer, or any person aggrieved by such violation. Such abatement may be in addition to the fine provided for in Section 61 (2) of this chapter.

ARTICLE VI

VARIANCES

SECTION 63. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article IV of this chapter or by rules, regulations, or orders of the air pollution control board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

SECTION 64.

(1) The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements

established by Article IV of this chapter or by rules, regulations, or orders of the air pollution control board is necessary and will be permitted.

(2) The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the air pollution control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

SECTION 65. The air pollution control board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations. All such fees shall be paid into the district treasury.

SECTION 66. If the hearing board finds that because of conditions beyond control compliance with Article IV of this chapter or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

SECTION 67. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

SECTION 68.

(1) The hearing board may revoke or modify by written

order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance.

(2) The hearing board shall serve, by personal service or registered mail, notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the air pollution control officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or air pollution control officer a written request for such notification.

(3) If either the identity or address of any person entitled to such notice is unknown, the hearing board shall serve such person by publication of notice once in a newspaper of general circulation published within the district if such newspaper is published therein, otherwise by posting at a public place at the county seat within the district.

SECTION 69. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year without another hearing on the approval of the air pollution control officer.

SECTION 70. If any local ordinance has provided regulations similar to those in Article IV of this chapter or to any order, regulation, or rule prescribed by the air pollution control board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to the adoption of the passage of an ordinance by the legislative body of a city a resolution by the fiscal court and/of the first or second class, pursuant to Article I of this chapter, such variance shall be continued as a variance of the hearing board for the time specified therein or one year, whichever is shorter, or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

ARTICLE VII

PROCEDURE

SECTION 71. This article applies to all hearings which either Article V or Article VI of this chapter provides shall be held by the hearing board.

SECTION 72. The hearing board shall select from its number a chairman.

SECTION 73.

(1) The hearing board may hold a hearing in bank or may designate two or one of their number to hold a hearing.

(2) If two or three members of the hearing board conduct a hearing the concurrence of two shall be necessary to a decision.

(3) The hearing board not less than two being present may, in its discretion, within 30 days rehear any matter which was decided by a single member.

SECTION 74.

(1) Whenever the members of the hearing board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the hearing board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control material to such hearing.

(2) A subpoena to appear before the hearing board shall be served in the same manner as a subpoena in a civil action.

SECTION 75.

(1) Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt,

and the hearing board shall report the fact to the judge of the circuit court of the county.

(2) Upon receipt of the report, the judge of the circuit court shall issue an attachment directed to the sheriff of the county where the witness was required to appear and testify, commanding the sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued.

(3) On the return of the attachment and the production of the body of the defendant, the circuit judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a circuit court.

SECTION 76. At any hearing the hearing board may require all or any witnesses to be sworn before testifying. Every member of the hearing board may administer oaths in every hearing in which he participates.

SECTION 77.

(1) Any person, being a party of record at such hearing, deeming himself aggrieved, including the air pollution control district, may maintain a special proceeding in equity in the circuit court of the county in which the district is located, to determine the reasonableness and legality of any action of the hearing board. Such special proceeding shall be entitled to priority on the docket of said equity court.

(2) Any person filing such a special proceeding after any decision of the hearing board shall be entitled to a trial de novo and an independent determination of the reasonableness and legality of such action in such court on all issues of law, facts, and mixed questions of law and facts and opinions therein involved. Jurisdiction is hereby given such circuit court to determine all questions and issues properly brought before it on such appeal.

(3) Appeals may be taken from the judgment of said

circuit court to the Court of Appeals of Kentucky. All such appeals shall be entitled to priority on the docket of the Court of Appeals.

SECTION 78. If any clause, sentence, paragraph, section, article, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part hereof, directly involved in the controversy in which such judgment shall have been rendered.

SECTION 79. WHEREAS the air is being polluted and contaminated in many portions of the Commonwealth in such amounts as to be detrimental to the public peace, health, safety, and welfare of the people of the Commonwealth, an emergency is hereby declared to exist, and this act shall take effect upon its passage and approval by the Governor.

By Senator Bonn.

S. B. No. 148. AN ACT relating to providing school services in certain institutions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Any school established and maintained in conjunction with an institution created under the provisions of Chapter 201, KRS, may be reimbursed by the State Department of Education from any special appropriation provided therefor and in accordance with the terms set out in this Act.

Sec. 2. Said school shall make such reports to the Superintendent of Public Instruction as he requests concerning the school services offered and shall make an annual report at the close of the regular school year on forms to be determined by the Superintendent of Public Instruction. The school services shall be paid for from funds appropriated for reimbursing the institutions operating such schools.

Sec. 3. The official Board responsible for operating the institution and the school maintained therein shall be reimbursed from funds appropriated for said purpose. The said institution shall be entitled to receive reimbursement only when it has met requirements of law, rules and regulations of the State Board of Education governing the operation of the said school and has provided courses, instruction, instructional staff, buildings and equipment suitable to the school that is being operated and which meet at least minimum requirements, as evidenced by the approval of the Superintendent of Public Instruction, for public schools offering like courses.

Sec. 4. At the end of each school year the officials of each institution operating a school as provided in this Act shall make application to the Superintendent of Public Instruction for reimbursement for each institution's proportionate share of the amount appropriated for the particular year. Upon approval of the application that requirements provided herein have been met, the Superintendent of Public Instruction shall notify the Commissioner of Finance who shall cause a warrant for the proper amount to be drawn in favor of the official Board of the institution operating said school.

Sec. 5. There is hereby appropriated, out of the General Expenditure Fund, to the Department of Education for the services provided in this Act the following amounts for the fiscal years indicated:

1952-53 ----------$12,000
1953-54 ----------$12,000.

By Senator Bonn.

S. B. No. 149. AN ACT relating to the establishment, operation and maintenance of public parks in and by any county in the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The maintenance and operation of public parks is a proper municipal purpose for all counties. The fiscal court of

any county may dedicate for use as parks any lands or buildings owned or leased by the county and not devoted to an inconsistent public use, and may acquire real property for such purpose by purchase, lease, condemnation or otherwise.

Sec. 2. The fiscal court of the respective counties of the Commonwealth of Kentucky shall have and are hereby given the power, jurisdiction and authority to establish and maintain a Division of Parks in their respective counties. All of the officers, members and employees of such Division of Parks shall have and are hereby given jurisdiction and authority co-extensive with the whole county for which they are appointed.

The chief administrative officer of any such Division of Parks shall be designated and known as "Director of Parks of _____ County, Kentucky," and there may be such other officers, members and employees of such Division of Parks as the fiscal court of said county may authorize. The Director of Parks, hereafter referred to as "Director" and all other officers, members and employees, shall be appointed by the county judge of such county, and shall serve at the pleasure of the county judge. The Director and all officers, members and employees shall be citizens of the United State of America and shall have been bona fide residents of the county in which they are appointed for not less than one year next before their appointment. None but discreet and sober persons shall be appointed to any position in or under the Division of Parks.

The county court shall have and is hereby granted the power to make, promulgate and amend rules and regulations for the appointment, promotion, transfer, laying off, suspension, reinstatement, discharge and removal of the Director and of all other officers and employees, the number of hours each day, week or month the Director and other officers and employees shall be on duty; the hours the park or parks shall be opened and closed to the public; the standardization and classification and duties of all officers, members and employees, into groups, grades and divisions and subdivisions, subject only to the right and duty of the fiscal court of the respective counties to fix the salaries and compensation of the Director, officers, members and employees of said Division of Parks and to provide the proper

equipment and to provide also for the maintenance of such park or parks. The county judge may, in his discretion, appoint an advisory committee to advise and consult with the county judge and the fiscal court.

Sec. 3. Any county may accept any grant or devise of real estate or any bequest or gift of money, or any donation the principal or income of which is to be used for park purposes. Money received for such purposes shall, unless otherwise provided by the terms of the bequest, be deposited with the county treasurer to the account of the Division of Parks and may be withdrawn and paid out on order of the fiscal court.

Sec. 4. The fiscal court may appropriate money out of the general funds of the county for the purpose of acquiring, equipping, maintaining and operating such public parks.

Ordered that said bills be printed and referred.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 106. AN ACT concerning Commonwealth's attorneys, assistant Commonwealth's attorneys, district detectives and stenographers.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 103. AN ACT concerning enforceability of contracts of infants executed to obtain benefits of federal law providing for the making or guaranteeing of loans to war veterans.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 115. AN ACT permitting the creation of a County Police Force Merit System, providing for the establishment of A Merit Board and defining its powers and duties and providing for the classification, qualification, examination, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities, providing penalties therefor and repealing laws in conflict.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 101. AN ACT relating to the trusts and agency fund of the metal stamping plant in the Department of Welfare.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 22. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 115. AN ACT, relating to compensation and

maintenance of persons performing public services in positions requiring the services of a physician.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 117. AN ACT related to utilities in cities of the third class, providing for the amendment of subsection (2) and (5) of section 96.176, section 96.182, and subsection (3) of section 96.183 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection,

and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

Senator Moloney moved that consideration of said bill be deferred and that same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 82. AN ACT relating to liquefied petroleum gas.

Senator Sample moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Ernest M. Ford	Alvin Kidwell
Bernard J. Bonn	Wayne Freeman	Bert Kiser
Eugene H. Clark	Julian Golden	James Lassiter
Augustus Cornett	Doug Hays	Homer E. Losey
Louis Cox	Thomas Hines	C. W. A. McCann
Archie Craft	Stanley Hoffman	Earl F. Martin
Martin J. Duffy	Dr. J. E. Johnson	Strother Melton

Richard P. Moloney	Clay Shackleford	Wendell Van Hoose
O. W. Montgomery	Leon Shaikun	Sylvester Wagner
Jack R. Reynolds	Cortis K. Stacy	Ed P. Warriner
Freeman Robinson	Paul Stapleton	John M. Williams
William J. Sample	Otis C. Thomas	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the vote by which the clincher motion was applied to said bill be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration.

Senator Moloney moved that the vote by which said bill was passed be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration.

Senator Moloney moved that the vote by which the Previous Question was ordered on said bill be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration.

Senator Moloney then offered the following committee amendments to said bill, viz:

COMMITTEE AMENDMENT NO. 1

By striking from page 2, section 3, line 10 therefrom the word "and" and inserting in lieu thereof the word "or".

COMMITTEE AMENDMENT NO. 2

By striking from section 3, page 3, line 40 the letter and punctuation marks (h) and inserting in lieu thereof (i).

COMMITTEE AMENDMENT NO. 3

By striking from section 3, page 4, all of lines 61, 62 and 63 and inserting in lieu thereof the following:

"that for the purpose of issuance of licenses under sub-section (1) all facilities for the storage only of liquefied petroleum gas for resale within a".

Senator Moloney moved that the Senate do now adopt said committee amendment No. 1 to said bill.

Said motion was agreed to.

Senator Moloney moved that the Senate do now adopt Committee Amendment No. 2 to said bill.

Said motion was agreed to.

Senator Moloney moved that the Senate do now adopt Committee Amendment No. 3 to said bill.

Said motion was agreed to.

Said bill was then passed as amended.

The yeas and nays being taken on the passage of said bill, as amended, in acordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	Earl F. Martin	Otis C. Thomas
Ernest M. Ford	C. W. A. McCann	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Jack R. Reynolds	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Sample moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now recess until 2:30 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate, Honorable Emerson Beauchamp, resumed the chair.

REPORTS OF COMMITTEES

Senator Moloney moved that the rules of the Senate be suspended for the purpose of hearing committee reports, as follows:

Senator McCann, Chairman of the Committee on Municipalities, to which same had been referred previously, reported bills of the following titles, viz:

S. B. No. 107. AN ACT relating to a sewer district in cities of the second class and in counties containing such cities.

S. B. No. 64. AN ACT relating to the duties and liabilities of property owners with regard to the destruction of rats on their premises.

With the expression of opinion that said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been referred previously, reported bills and resolutions of the following titles, viz:

S. B. No. 100. AN ACT relating to a study of the problem of Alcoholism in the State, providing for an Alcoholic Study Commission and for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

S. B. No. 113. AN ACT relating to education.

S. B. No. 140. AN ACT relating to a Department of Mental Health, and its establishment, organization, personnel, powers, duties, functions, funds and facilities, including provisions for the transfer of functions, funds and facilities from other state departments or agencies.

H. Res. No. 14. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest," and declaring an emergency.

H. B. No. 100. AN ACT relating to the Department of Welfare including smoking regulations in the Penal Institutions and Houses of Reform.

H. B. No. 99. AN ACT relating to support of children, amending section 405.020 of the Kentucky Revised Statutes.

H. B. No. 70. AN ACT relating to fertilizer.

H. Res. No. 13. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

H. B. No. 152. AN ACT relating to the ad valorem tax system of the state, counties, cities and other taxing districts.

S. B. No. 138. AN ACT relating to the condemnation of property for construction, reconstruction, and maintenance of highways and bridges and facilities related thereto, and repealing KRS 177.075.

With the expression of opinion that said bills and resoullutions should pass.

Whereupon, said bills and resolutions were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been referred previously, reported a bill of the following title, viz:

S. B. No. 86. AN ACT relating to the powers of the governing bodies of the state institutions of higher education, the limitations on salaries payable, and related matters.

With the expression of opinion that said bill should pass with Committee Amendments, as follows, viz:

Amendment No. 1

By striking from line 9 in Section 2 on Page 2 and from line 7 in Section 4 on Page 2 and from line 6 in Section 5 on Page 3, in each instance the words "for Negroes"

Whereupon, said bill, with Committee Amendments, was read at length for the first time and

Ordered placed in the Calendar.

Senator Duffy, Chairman of the Committee on Courts & Legal Procedure, to which same had been referred previously, reported bills of the following titles, viz:

Senate Bill No. 10. AN ACT relating to the compensation of jury commissioners, amending Section 29.060 of the Kentucky Revised Statutes.

S. B. No. 90. AN ACT relating to the use of business records as evidence and to make uniform the law relating thereto.

S. B. No. 91. AN ACT relating to use of photographic copies of business and public records as evidence.

With the expression that said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Shackelford, Chairman of the Committee on Judiciary and Judicial Council, to which same had been referred previously, reported bills of the following titles, viz:

S. B. No. 66. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

S. B. No. 73. AN ACT relating to the terms of court in the Third Judicial District.

S. B. No. 81. AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

With the expression of opinion that said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Kidwell, Chairman of the Committee on Agriculture and State Fair, to which same had been previously referred, reported bills of the following titles, viz:

S. B. No. 48. AN ACT imposing a penalty for removing or altering numbers on farm tractors or other units of farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

S. B. No. 105. AN ACT relating to the stealing of cattle.

With the expression of opinion that said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Hines, Chairman of the Committee on Classification of Cities and Towns, to which same had been referred previously, reported a bill of the following title, viz:

S. B. No. 108. AN ACT changing the classification of the City of Lakeside Park, in Kenton County.

With the expression of opinion that said bill should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Stapleton, Chairman of the Committee on Aviation, to which same had been referred previously, reported a resolution of the following title, viz:

H. Res. No. 5. A JOINT RESOLUTION petitioning Congress to retain within Boone County, Kentucky the airport owned by Kenton County, Kentucky and known as the Kenton County

Airport and to retain all United States Air Force installations located there.

With the expression of opinion that same should pass with amendment by way of Committee Substitute therefor.

Said amendment by way of Committee Substitute is as follows, viz:

H. Res. No. 5. A JOINT RESOLUTION imploring the Federal Government to retain and continue the operation and maintenance of all United States Air Force installations at the Airport in Boone County, Kentucky, known as the Greater Cincinnati Airport.

WHEREAS, the Greater Cincinnati Airport, located in Boone County, Kentucky and owned by Kenton County, Kentucky, has through a substantial period of successful operation proved to be admirably situated and designed for full scale aircraft operations; and

WHEREAS, said Airport fulfills the maximum requirements for safety and convenience of the public; and

WHEREAS, it is essential to the general welfare of the Commonwealth of Kentucky that the Airport be maintained in full scale operation; and

WHEREAS, air transportation will be seriously curtailed within the Commonwealth of Kentucky unless the Airport continues in operation with all of the present and planned facilities and installations;

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The President of the United States of America, in his capacity as Commander in Chief of the Armed Forces of the United States, the Secretary of Defense of the United States, and the Congress of the United States are implored to cause to be maintained and continued in operation, at the Greater Cincinnati Airport in Boone County, Kentucky, all United States Air Force

installations located at such Airport, and to proceed with existing plans for the development of such installations.

The Hon. Brent Spence, Representative in the Congress of the United States for the Fifth Congressional District of Kentucky, is solicited to bring this matter to the attention of all appropriate federal authorities and to utilize all available means to secure favorable action.

The Clerk of the House of Representatives is directed to forward 10 copies of this Resolution to the Hon. Brent Spence, in order that copies of this Resolution may be brought promptly and expeditiously to the attention of the officers and bodies memorialized.

Whereupon, said resolution, with amendment by way of Committee Substitute therefor, was read at length for the first time and

Ordered placed in the Calendar.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of the introduction of bills.

Said motion was agreed to.

INTRODUCTION OF BILLS

A bill of the following title was introduced, viz:

By Senator Robinson.

S. B. No. 150. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The introductory phrase and paragraph (c) of subsection (1) of section 342.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be presented to be wholly dependent upon a deceased employee:

* * * * *

(c) A child or children under the age of sixteen years, or

over sixteen years if incapacitated from wage-earning, upon the parent with whom such child or children are living, or by whom actually supported, or from whom support is legally required by judgment of a court, at the time of the accident.

Ordered that said bill be printed and referred.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills and resolutions which originated in that body of the following titles, viz:

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All necessary record books and all necessary supplies, materials, paper, binders, chemicals and other photostatic supplies used in the preparation and making of such record books, required by the Circuit Court and County Court Clerks, shall be procured by the clerks upon the order of the court of which he is a clerk and shall be aid for by the county.

H. B. No. 63. AN ACT relating to actions for libel or slander amending section 411.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 411.050 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) (a) In any action for damages for the publication of a defamatory statement in a daily or other newspaper, or by a visual or sound radio broadcast, the plaintiff shall recover no more than special damages unless he shall allege and prove that he made a sufficient demand for correction and that the newspaper, or the radio or television broadcasting station, failed

to make conspicuous and timely publication of said correction.

(b) A "sufficient demand for correction" is a demand for correction which is in writing; which is signed by the plaintiff or his duly authorized attorney or agent; which specifies the statement or statements claimed to be false and defamatory, states wherein they are false, and sets forth the true facts; and which is delivered to the defendant prior to the commencement of the action.

(c) A "correction" is either (i) the publication of an acknowledgment that the statement or statements specified as false and defamatory in the plaintiff's demand for correction are erroneous, or (ii) the publication of the plaintiff's statement of the true facts (as set forth in his demand for correction) or a fair summary thereof, exclusive of any portions thereof which are defamatory of another, obscene, or otherwise improper for publication. If the demand for correction has specified two or more statements as false and defamtory, the correction may deal with some of such statements pursuant to (i) above and with other of such statements pursuant to (ii) above.

(d) A "conspicious publication" in a newspaper is a publication which is printed in substantially as conspicuous a manner as the statement or statements specified as false and defamatory in the demand for correction; and for this purpose the Sunday and daily issues of a newspaper shall be deemed equivalent. A "conspicuous publication" in a visual or sound radio broadcast is a publication which is broadcast at substantially the same time of day, and with the same sending power, as the statement or statements specified as false and defamatory in the demand for correction. A publication in a particular manner which is agreeable to the plaintiff shall in any event be deemed "conspicuous."

(e) A "timely publication" in a daily newspaper is a publication within three business days after the day on which a sufficient demand for correction is received by the defendant. A "timely publication" in a newspaper other than a daily newspaper is a publication in or prior to the next regular issue which is published not less than three business days after the day on which a sufficient demand for correction is received by the defendant. For this purpose the Sunday and daily issues of a news-

paper shall be deemed equivalent. A "timely publication" in a visual or sound radio broadcast is a publication within three business days after the day on which a sufficient demand for correction is received by the defendant. A "business day" is any day other than a Sunday or legal holiday. A publication in a particular issue or on a particular day which is agreeable to the plaintiff shall in any event be deemed "timely."

(f) "Special damages" are pecuniary damages which the plaintiff alleges and proves that he has suffered in respect to his property, business, trade, profession, or occupation (including such amounts of money as the plaintiff alleges and proves he has expended as a proximate result of the alleged defamation), and no other.

(2) If in any action for damages for the publication of a defamatory statement on a visual or sound radio broadcast, the defendant proves that said defamatory statement has been uttered by one other than the owner, licensee, or operator of the broadcasting station or one acting as the agent or employee of said owner, licensee or operator, the action shall be dismissed unless the plaintiff shall allege and prove that such owner, licensee, operator, agent or employee has failed to exercise due care to prevent the publication of said statement in said broadcast; provided, however, that in no event shall the owner, operator or licensee of a radio or television broadcasting station, or one acting as the agent or employee of such owner, operator or licensee, be held liable for the utterance of a defamatory statement in a visual or sound radio broadcast over the facilities of such station by any person speaking as a legally qualified candidate for public office.

H. B. No. 64. AN ACT relating to disclosure of sources of information published by newspapers, radio and television stations amending section 421.100 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 421.100 of the Kentucky Revised Statutes is hereby amended to read as follows:

No person shall be compelled to disclose in any legal proceeding or trial before any court, or before any grand or petit jury, or before the presiding officer of any tribunal, or his agent or agents, or before the General Assembly, or any committee thereof, or before any city or county legislative body, or any committee thereof, or elsewhere, the source of any information procured or obtained by him, and published in a newspaper or by a radio or television broadcasting station by which he is engaged or employed, or with which he is connected.

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Dependent Child" means a child who is unable to provide for himself, or who does not otherwise have provided for him, a subsistence compatible with decency and health.

(2) "Association" means a recognized public or privately owned institution, children's house or corporation, located within a second class city or within a county containing a city of the second class, and which embraces within its purposes the care, guardianship and subsistence of dependent children."

Section 2. Each city of the second class is authorized to contribute, out of its general fund, a sum not to exceed $120.00 per annum for each dependent child living within and under the care, guardianship and subsistence of an association. The contribution for dependent children shall be known as "The Children's Relief" and shall be payable quarterly on the first day of March, June, September and December to the associations caring for the children.

Section 3. To be entitled to the benefits authorized herein, an association must file with the city clerk an application for each child setting out that the child had been regularly registered, admitted and accepted as a ward and occupant of the association at least sixty days prior to the date of application

and, further stating the facts that show the child's dependency. In support of the facts stated in the application, the superintendent or other executive officer of the association shall file an affidavit with the city clerk, who thereupon shall refer the application and affidavit to the legislative body of the city. The legislative body shall make a diligent investigation of each application and if it is determined that the child is a dependent child, then he shall be entitled to the benefits authorized herein.

Section 4. The legislative body of a second class city may in its discretion, provide for payment for support of dependent children as a group, using the average occupancy of each association for the last two years as a basis for payment at the rate per year for each child as herein provided, and may make regulations for determining the average occupancy of the last two years. Payment shall be made in the manner and at the time provided in section 2.

H. B. No. 119. AN ACT relating to salaries of mayors and commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 89.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) In cities of the second class the mayor shall receive an annual salary of not more than $3,000, and each commissioner shall receive an annual salary of not more than $2,500.

H. B. No. 127. AN ACT concerning waterworks in cities other than first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 96.320 of the Kentucky Revised Statutes is amended to read a follows:

"Cities of the second class that own a waterworks may operate such waterworks as a department of the city, or may

appoint a commission to operate such waterworks. If such a commission is appointed, it shall be styled "Commissioners of Waterworks," and shall be composed of from three to five members to be appointed by the mayor, subject to the approval of the city legislative body. If a commission is composed of five members, the mayor shall appoint, in addition to the five members, a member of the legislative body of the city who shall be an ex officio member of the commission. They shall be residents and legal voters of the city. The terms of the members shall be fixed by the city legislative body, or they may be appointed for indefinite terms, subject to removal by the city legislative body for cause. The commissioners shall give bond for the faithful performance of their duties in the sum of five thousand dollars. The commissioners shall manage the water system of the city. They may appoint a superintendent, secretary, treasurer and other necessary employees and fix their salaries. They shall make full monthly reports to the city legislative body of the operation and condition of the water system, including all receipts and expenditures. Three members of the board shall constitute a quorum for the transaction of business.

H. B. No. 148. AN ACT concerning promotion of agriculture and horticulture.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board may appoint a manager who shall not be one of their number. The appointment of a manager shall be on the basis of training, ability and experience. A manager shall hold his position during the pleasure of the board, but may be removed only by an affirmative vote of six members of the board. A manager shall be responsible for the administration of the policies set by the board, shall devote his entire time and attention to the performance of such duties and work as may be required of him by law or be assigned to him by the board, and shall receive such salary, fixed on an annual basis, as the board may determine.

(2) A manager may organize such administrative divisions as may be necessary and may designate chiefs of such divisions who, under his control and supervision, shall have the duties of direction of such divisions. A manager may employ such other employes and agents as he deems necessary for the carrying out of the policies of the board and to conduct the affairs of the State Fair, and may fix the duties and compensation of any employes or agents with the approval of the board.

(3) The board may employ or contract with such other persons, firms or corporations as the board may deem necessary or desirable to accomplish its duties and functions; may fix the compensation and the terms of employment or contract of those employed or contracted with; and may assign to them such duties and responsibilities as the board may determine, including the responsibility of actual operation of any or all of the facilities under the control of the board.

(4) A manager and any persons employed under this section shall not be subject to the provisions of KRS 42.110 or 42.120.

Section 2. Section 137.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS 137.050 to 137.110 until he has paid to the county clerk of the county in which he is engaged in such occupation or in selling such articles or in exercising such privilege the license tax prescribed in KRS 137.050 to 137.110 and obtained the license therefor.

(2) This section and KRS 137.050 shall not be construed to impose a tax on any county, or community fair association or corporation or similar enterprise or upon the agent or concessionaire of any such association or corporation operating within the grounds or rooms devoted to a festival or fair of any such association or corporation which shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS 137.050 to 137.110 for a period of not exceeding one week in any calendar year without profit to the members or

stockholders or to any other person connected with such association or corporation. This exemption shall not be construed to permit such association, corporation or similar enterprise to possess cigarettes in packages, boxes or retail containers upon which the tax provided in KRS 138.140 has not been paid.

Section 3. None of the provisions of Chapter 137 and none of the provisions of section 91.200 of the Kentucky Revised Statutes shall apply to any operations on State Fair Grounds wherein the State Fair Board shares in the receipts and proceeds of such operations.

Section 4. Subsection (1) of Section 247.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall have exclusive control of concessions, exhibitions, shows, entertainments and attractions at any place on the State Fair Grounds and may, in the discretion of the board, operate any or all of such concessions, exhibitions, shows, entertainments and attractions, but the board shall not allow the operation of any gambling device or game of chance therein. It may delegate such control or operation to any of its employes or agents, or to an executive committee.

The message which was received from the House of Representatives further announced that they had passed a bill which originated in the Senate of the following title, viz:

S. B. No. 1. AN ACT relating to bribery of participants in professional or amateur games, sports, contests and horse racing. (With House Amendments)

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

REFERRAL OF BILLS

Senator Moloney, Chairman of Committee on Committees announced the referral of the following bills and resolutions:

S. B. No. 137. Kentucky Statutes No. 2
S. B. No. 138. Kentucky Statutes No. 2
S. B. No. 140. Kentucky Statutes No. 2
H. B. No. 24. Kentucky Statutes No. 2
H. B. No. 70. Kentucky Statutes No. 2

H. B. No. 99. Kentucky Statutes No. 2
H. B. No. 100. Kentucky Statutes No. 2
H. B. No. 140. Kentucky Statutes No. 2
H. B. No. 152. Kentucky Statutes No. 2
H. Res. No. 14. Kentucky Statutes No. 2
H. Res. No. 13. Kentucky Statutes No. 2
S. B. No. 132, S. B. No. 134 and S. B. No. 136. Appropriations
S. B. No. 133. Criminal Law
H. B. No. 4. Classification of Towns and Cities
H. B. No. 8. Education
S. B. No. 135. Motor Vehicles, Commerce and Common Carriers
S. B. No. 131. Public Utilities
S. B. No. 139. Ky. Statutes No. 1
S. Res. No. 11. Claims

Senator Moloney moved that the rules of the Senate be suspended for the purpose of taking up for consideration H. Res. No. 5.

Said motion was agreed to.

The Senate then took up for consideration said resolution, with amendment by way of Committee Substitute, entitled, viz:

H. Res. No. 5. A JOINT RESOLUTION imploring the Federal Government to retain and continue the operation and maintenance of all United States Air Force installations at the Airport in Boone County, Kentucky, known as the Greater Cincinnati Airport.

Senator Montgomery moved that the Senate do now adopt said resolution, with amendment by way of Committee Substitute.

(For Committee Substitute see S.J. of today)

Said motion was agreed to.

And thereupon said resolution, with amendment by way of Committee Substitute, was adopted.

Senator Moloney moved that the Senate do now adjourn until 1 P. M., Thursday, February 7, 1952.

Said motion was agreed to.

And then the Senate adjourned.

THURSDAY, FEBRUARY 7, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend Doctor Fred T. Moffatt, Pastor of the First Baptist Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	Bert Kiser	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	C. W. A. McCann	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	John M. Williams
James P. Hanratty	O. W. Montgomery	E. V. Withers
Doug Hays	Jack R. Reynolds	—35

The following Senators were absent—

Thos. Hines	Homer E. Losey	Ed P. Warriner

—3

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Wednesday, February 6, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF RESOLUTIONS AND BILLS

The following resolutions and bills were introduced, viz:

By Senator Melton.

S. Res. No. 12. A RESOLUTION concerning Fair Trade Laws.

Said resolution is as follows, viz:

WHEREAS, Fair Trade laws embody the principle of fair play in the market place and constitute a code of business morality designed to prevent our free enterprise economy from deteriorating into a free-for-all conflict in jungle economics; and

WHEREAS, the Fair Trade laws protect the small businessmen of Kentucky and the whole country by checking ruthless and deliberate operations in the red by would-be monopolists in order to eliminate competition; and

WHEREAS, the Fair Trade laws have demonstrated that they benefit the consumer and the economy as a whole by helping to keep prices down, increasing retailing efficiency, restraining monopoly, assuring the availability of quality brands and fostering fair and open competition; and

WHEREAS, the Fair Trade laws help to preserve a stable system of mass distribution composed of large, medium, and small retailers, thus assuring manufacturers a reliable mass market for their products; and

WHEREAS, the Fair Trade laws enable the owners of brand names and trademarks to protect the property value of their trade name and their distributors against the injurious and deceptive practice of price-juggling; and

WHEREAS, the Fair Trade law of Kentucky and of 44 other states have been gravely weakened by the decision of the U. S. Supreme Court in the case of Schwegmann v. Calvert, which held that the Fair Trade laws are not binding upon nonsigners of Fair Trade contracts with respect to interstate Commerce.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT the 1952 session of the Kentucky Legislature endorse the principle of Fair Trade as an indispensable instrument of public policy and urges the Congress of the United States to enact legislation to restore the state Fair Trade laws to full effectiveness.

By Senator McCann.

S. Res. No. 14. A JOINT RESOLUTION relating to the University of Kentucky basketball team.

Said resolution is as follows, viz:

A JOINT RESOLUTION relating to the University of Kentucky basketball team.

WHEREAS, the members of the GENERAL Assembly were graciously invited to the University of Kentucky Colesium last evening to view the number one basketball team in the United States; and

WHEREAS, many members took advantage of the invitation and attended the game between the University of Mississippi and the University of Kentucky; and

WHEREAS, many members of the General Assembly, as well as other spectators, had a most difficult time identifying the number one team in the country; and

WHEREAS, as the game progressed the Colesium became permeated with an increasingly strong unpleasant oder which one spectator, or as many saw it, an active participant, i. e. Adolph Rupp, attributed to the performance of his charges; and

WHEREAS, it is the opinion of this body that the unpleasant oder should be removed from the Colesium before the next basketball game is played there; and

WHEREAS, it seems advisable that steps be taken to insure that such an incident not be repeated:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of $105,000, $5,000 of which shall be used for the purpose of fumigating the University of Kentucky Colesium, and the balance to be devoted to those mysterious pursuits which result in an athletic team which never stinks.

By Senator Shaikun.

S. B. No. 151. AN ACT concerning organization and Government of Cities of the First Class and agencies thereof, repealing sections 69.420, 91.010, 91.030, 91.040, 91.050, 91.070, 93.030 (2) and (3), 93.040, 93.130, 93.140, 93.150, 93.160, 93.170, 93.180, 93.190, 93.200, 93.210, 93.220, 93.230, 93.240, 93.250, 93.260, 93.270, 95.080, 95.100, 95.110, 95.120, 95.130, 95.140, 95.150 (2), (3), (4) and (5), 95.190, 95.220, 95.230, 95.240, 95.250, 95.260, 95.280, 95.300, 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410, 95.420, 97.254, 95.256, 97.258 and 98.020 of the KENTUCKY REVISED STATUTES AND AMENDING SECTIONS 93.060, 93.110, 93.120, 95.160, 95.180, 95.200 and 95.290 of the KENTUCKY REVISED STATUTES.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 69.420 of the Kentucky Revised Statutes pertaining to the appointment qualifications, duties and compensation of assistant city attorneys in cities of the first class, is hereby repealed.

SECTION 2. The following statutes pertaining to the financial administration in cities of the first class are hereby repealed:

(a) Section 91.010 of the Kentucky Revised Statutes delimiting the fiscal year.

(b) Section 91.030 of the Kentucky Revised Statutes pertaining to the receipt, custody and disbursement of city funds.

(c) Section 91.040 of the Kentucky Revised Statutes pertaining to the selection and requirement of depositories for city funds.

(d) Section 91.050 of the Kentucky Revised Statutes pertaining to the accounts and records kept by the director of finance; and auditing of claims against the city; the countersigned of city checks.

(e) Section 91.070 of the Kentucky Revised Statutes per-

taining to the reports of the director of finance to city officials.

SECTION 3. The following statutes pertaining to the administration of the department of works in cities of the first class are hereby repealed:

(a) Section 93.030 (2) and (3) of the Kentucky Revised Statutes pertaining to the examination of the chief engineer by an examining board of the city legislative body as a requisite for the position.

(b) Section 93.040 of the Kentucky Revised Statutes pertaining to a separate plumbing department within the department of works.

SECTION 4. Sections 93.130, 93.140, 93.150, 93.160, 93.170, 93.180, 93.190, 93.200, 93.210, 93.220, 93.230, 93.240, 93.250, 93.260, and 93.270 of the Kentucky Revised Statutes pertaining to the creation, functions of the sewerage commission, the construction of a sewerage system under such commission and the issuing of bonds therefor are hereby repealed.

SECTION 5. The following statutes pertaining to the functions of the department of safety and the members of the police and fire departments in cities of the first class are hereby repealed:

(a) Section 95.080 of the Kentucky Revised Statutes pertaining to disciplinary powers of the director of safety over members of the police and fire departments.

(b) Section 95.100 of the Kentucky Revised Statutes pertaining to rules of the director of safety for the police department.

(c) Section 95.110 of the Kentucky Revised Statutes pertaining to the rank and appointment of personnel of the police department.

(d) Section 95.120 of the Kentucky Revised Statutes pertaining to the compensation of personnel of the police department.

(e) Section 95.130 of the Kentucky Revised Statutes pertaining to the appointment of the chief and assistant chiefs of the police department by the director of safety.

(f) Section 95.140 of the Kentucky Revised Statutes pertaining to the powers and duties of the chief of police.

(g) Section 95.150 (2), (3), (4) and (5) of the Kentucky Revised Statutes pertaining to the powers of the police to preserve peace, enforce laws and ordinances, report violations of the health laws and to make inspections of public places.

(h) Section 95.190 of the Kentucky Revised Statutes pertaining to the furnishing of police stations, hold-overs, patrol wagons, business equipment and the disposition of unfit departmental property.

(i) Section 95.220 of the Kentucky Revised Statutes pertaining to rules of the director of safety for the fire department.

(j) Section 95.230 of the Kentucky Revised Statutes pertaining to the rank and appointment of personnel of the fire department.

(k) Section 95.240 of the Kentucky Revised Statutes pertaining to the compensation of personnel of the fire department.

(l) Section 95.250 of the Kentucky Revised Statutes pertaining to the appointment of the chief and assistant chief of the fire department.

(m) Section 95.260 of the Kentucky Revised Statutes pertaining to the furnishing of engine houses, accommodations and equipment necessary for the fire department.

(n) Section 95.280 of the Kentucky Revised Statutes pertaining to interference with the fire department in the performance of duty.

SECTION 6. Section 95.300 of the Kentucky Revised Statutes pertaining to the police pension fund is hereby repealed.

SECTION 7. (1) Sections 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410 and 95.420 of the Kentucky Revised Statutes pertaining to death and retirement benefits and internal management of the firemen's pension fund in cities of the first class are hereby repealed. The repeal of the foregoing sections shall not become effective in any city of the first class which has a firemen's pension fund existing

under such sections until the legislative body of such city has enacted an appropriate ordinance, or ordinances, after notice to and consultation with the board of trustees referred to in KRS 95.380, providing for a system of pensions for the members of the fire department of such city.

(2) When the repeal of Kentucky Revised Statutes sections 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410 and 95.420 has become effective in any city of the first class as provided in subsection (1) hereof, all assets of the fund existing pursuant to such sections shall be transferred to and become a part of the firemen's pension fund established by the ordinance, or ordinances, referred to in subsection (1) hereof, providing, however, the new pension fund established by such ordinance, or ordinances, shall make equitable provision for the rights of all persons having an interest in the assets so transferred.

SECTION 8. The following statutes pertaining to personnel in the department of public parks in cities of the first class are hereby repealed:

(a) Section 97.254 of the Kentucky Revised Statutes pertaining to the transfer of police in the employ of the board of park commissioners to the department of public safety under civil service.

(b) Section 97.256 of the Kentucky Revised Statutes pertaining to the transfer of employees of the division of recreation of the department of public welfare to the department of public parks and recreation under civil service.

SECTION 9. Section 97.258 of the Kentucky Revised Statutes pertaining to the transfer of monies in possession of the board of park commissioners to the director of finance in cities of the first class is hereby repealed.

SECTION 10. Section 98.020 of the Kentucky Revised Statutes pertaining to the establishment and functions of the department of public health in cities of the first class is hereby repealed.

SECTION 11. Section 93.060 of the Kentucky Revised Statutes is amended to read as follows:

Unless otherwise provided by law or by ordinance of the city, the department of public works shall have control of the construction, repairing, cleaning, lighting and heating of all public buildings and of all public improvements of the city.

SECTION 12. Section 93.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The wharves and landings of cities of the first class shall be under the care and control of the department of public works.

(2) The department shall fix and receive reasonable charges for the use of the wharves and landings and shall keep them in order.

SECTION 13. Section 93.120 of the Kentucky Revised Statutes is amended to read as follows:

The department of public works may lease and receive the rentals from any portion of the wharf property not, at the time, needed for wharf purposes. All leases shall provide for their cancellation, upon such notice as is stipulated therein, whenever the property leased is, in the judgment of the director of works, required for wharf purposes, subject to the approval of the mayor, and any such leases may provide that they may be so cancelled only upon payment by the city to the lessee of the then fair value of any improvements erected on the land of the city by the lessee and the then existing, whereupon such improvements become the property of the city, and shall be conveyed to it by the lessee. Such fair value shall be based upon prudent original cost less depreciation and obsolescence.

SECTION 14. Section 95.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The director of safety may, in case of need, appoint special policemen to do special duty at any place within the city, on terms he deems proper and not in conflict with the civil service provisions.

(2) These special policemen shall be governed by such rules as the director may provide, and be given such powers as the director allows; if rules are not provided they shall have the powers and duties of regular policemen.

SECTION 15. Section 95.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any property in the custody of the property clerk is desired as evidence in any criminal court, such property shall be delivered to any officer who presents an order to that effect from the court. Such property shall not be retained in the court, but shall be returned to the property clerk.

(2) All property that remains in the custody of the property clerk for three months, without any lawful claimant thereto, may be sold at public auction in a suitable room designated for such purpose, after having been advertised for ten days. The proceeds of such sales shall be paid into the department of public finance of the city to the credit of the police department.

SECTION 16. Section 95.200 of the Kentucky Revised Statutes is amended to read as follows:

Each member of the police force, including special policemen, before entering upon the discharge of his duties, shall take an oath to faithfully discharge the duties of his office. This oath shall be subscribed by the person taking it and filed in the office of the department of public safety.

SECTION 17. Section 95.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city legislative body in cities of the first class may enact ordinances providing for a system of pensions for retired and disabled members of the police department and the fire department and their dependents; said city legislative body may levy taxes and appropriate funds for the purpose of paying policemen's pensions and firemen's pensions herein provided for, and said city legislative body may allot and pay to the policemen's pension fund or the firemen's pension fund or either or both of them all fines and forfeitures imposed upon members of the respective departments, and said city legislative body may further provide for, assess and collect contributions from the members for the benefit of the fund.

(2) Any pension fund established under the provisions of this Act shall be held and distributed for the purpose of paying pensions and for no other purpose, except that the govern-

ing board of the fund may annually expend for the necessary expenses connected with the fund, including but not limited to expenses for medical, actuarial, accounting and legal services, the amount such governing board deems proper.

By Senator Cox.

S. B. No. 152. AN ACT relating to the Department of State Police.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 16.010 of the Kentucky Revised Statutes is amended to read as follows:

As employed in KRS 16.020 to 16.180, unless the context requires otherwise:

(1) "Department" shall mean the Department of Kentucky State Police;

(2) "Commissioner" shall mean the Commissioner or Commanding Officer of the Kentucky State Police;

(3) "Officer" shall mean any member of the Kentucky State Police who possesses the powers of a peace officer;

(4) "Civilian" shall mean such experts, statisticians, clerks, and other assistants who do not possess the powers of a peace officer;

(5) "Board" shall mean the State Police Personnel Board.

SECTION 2. Section 16.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner shall appoint or promote to the ranks and grades and positions of the Department such officers and civilians as are considered by him to be necessary for the efficient administration of the Department. Such officers and civilians shall receive such compensation as shall be fixed by the Commissioner; provided the same shall reasonably conform to the standards established by the Division of Personnel in the Department of Finance.

(2) All initial appointments of officers to the department shall be made for merit and fitness after a competitive examination.

(3) There is hereby created a State Police Personnel Board consisting of the Commissioner and four other members to be appointed by the Governor, two to be appointed from each of the two major political parties.

(4) The initial appointment of members of the Board shall be for terms of one, two, three and four years. Thereafter each appointment shall be for a term of four years, except that a person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of that term.

(5) Members of the Board may be removed by the Governor only for cause, after being given a copy of charges against them and an opportunity to be heard publicly on such charges before the Governor.

(6) The Board shall elect one of its members chairman. It shall meet at such time and place as shall be specified by call of the Commissioner. Three members shall constitute a quorum for the transaction of business. Members of the Board other than the Commissioner shall receive compensation of twenty-five dollars and reimbursement of travel expenses for each meeting of the Board which they attend.

(7) The Board shall make rules and regulations to carry out the purposes herein, which shall include provisions for:

(a) Open competitive examination as to fitness of applicants for employment as officers.

(b) Establishment of eligible lists as a result of such competitive examinations, from which lists, vacancies shall be filled;

(8) The Board shall hear appeals from applications for employment for which examinations are being given or have been conducted and from eligibles on examination registers subject to the procedural rules which the Board may adopt pursuant to the provisions of this section.

SECTION 3. Section 16.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner shall adopt, formulate, alter and repeal rules and regulations for the enlistment, training, discipline, and conduct of officers of the Department; for the promotion of such officers on the basis of seniority of service, qualifications being equal, and he may make any other rules and regulations for the governing and operation of said Department as shall appear to him reasonably necessary to carry out the provisions of KRS 16.010 to 16.180.

(2) He may require any officer or civilian who may receive and/or disburse public funds in the course of his duties to file a bond, conditioned that he will honestly, correctly and according to law, receive, disburse and/or account for all public monies coming into his hands. The Commissioner and each officer shall execute a bond to the Commonwealth of Kentucky in the sum of not less than two thousand dollars ($2,000), conditioned upon the faithful discharge of his duties. The premium on any such bond or bonds shall be paid by the Department. The Commissioner and each officer of the Department shall, before entering upon the discharge of their official duties, take the Constitutional oath of office.

(3) Subject to the provisions of Sections 56.440 to 56.550 of the Kentucky Revised Statutes the Commissioner, with the approval of the Governor and the Commissioner of Finance, may acquire real estate or interests therein, by purchase, lease or otherwise, necessary for the purposes of the Department, and, with like approval, provide for the acquisition or construction of necessary buildings and other permanent structures and facilities. Title to any real estate so acquired shall be taken in the name of the Commonwealth.

SECTION 4. Section 16.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) With the exceptions hereinafter specified, no officer of the Department shall be removed, suspended, reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law or of any rule or regulation promulgated by the Commissioner. Any person may prefer

charges in writing against any officer, which must be filed in the office of the Commissioner. Said charges must be signed by the person making the same, and must set out with clarity and distinction each and every charge. It shall be the duty of the Commissioner whenever probable cause appears, to prefer charges against any officer whom he believes to have been guilty of conduct justifying his removal or punishmnet, in the interest of public order. Within five days after the filing of such charges, the Commissioner shall deliver a copy thereof, either personally or by registered mail, to the officer offending. Within five days after the receipt thereof, such officer may demand public hearing, or may admit the truth of the charges in whole or in part. If said officer admits the truthfulness of said charges, it shall be the duty of the Commissioner to remove, suspend, reduce in rank or pay the officer so offending, in proportion to the seriousness of the charges.

(2) In the event said charges are denied and the officer demands a hearing within the time above specified, he must make such demand known to the Commissioner in writing. After the demand for hearing has been so made, the Commissioner shall within twenty days from the date thereof, arrange for a public hearing before a trial board to be constituted in the manner hereinafter provided. The officer defendant shall be given not less than five days' notice of the time, place and hour of such hearing.

(3) Upon the hearing, all charges shall be considered traversed and put in issue, and the trial shall be confined and limited to the issues so presented by the written charges. The trial board hearing said charges shall have the power to summon and compel the attendance of witnesses at all hearings or sittings, by subpoena issued by the Commissioner and served upon any witness by any sheriff or other person authorized by law to serve process. If any person fails to comply with any lawful order of the department or with process, or if any witness refuses to testify concerning any matter in which he may lawfully be interrogated, any circuit court judge, upon application of the trial board, or the Commissioner, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the circuit court or a refusal to testify therein.

(4) The officer defendant shall have the right to subpoena in his behalf any witness or witnesses he may desire, upon furnishing their names to the trial board or to the Commissioner. Such officer shall likewise have the right to appear in person and by counsel.

(5) All such charges against the officer defendant, together with all proceedings before the trial board, shall be transcribed and reduced in writing and a permanent record kept thereof.

(6) In any instance where the Commissioner has probable cause to believe that an officer has been guilty of conduct justifying his removal or punishment, he is authorized to immediately suspend such officer from duty, or from both pay and duty, pending trial, and such officer shall not be again placed on duty or allowed pay thereafter until a determination of the charges under this section.

(7) The trial board, after hearing such charges, shall fix the punishment of any officer found guilty of any one or more charges, by reprimand or suspension for any length of time not to exceed six months, or by reducing the grade if such officer's classification warrants same, or by combining any two or more of said punishments, or by reducing the monthly salary of such officer by not more than twenty per cent for not more than six months, or by removing or dismissing from the service of the Department any officer so found guilty.

(8) For the purpose of hearing charges against any officer, as hereinabove set forth, there is hereby created what shall be known as a trial board; said board to consist of the Commissioner and of a panel of ten officers of the Department to be appointed by the Commissioner. The Commissioner shall designate from such panel not less than three nor more than seven members thereof to hear charges against any officer, in the manner and under the procedure above set forth. The Commissioner is authorized to promulgate reasonable rules and regulations governing the procedure before said trial board, provided the same are not in conflict with the provisions of this section. Said panel or trial board shall be a continuing body, and the officers so designated shall serve thereon in addition to their other duties

and without any increase in compensation, except they may be reimbursed for meals, lodging and traveling expenses incurred while in the performance of their official duties as members of the board. Any officer defendant may for cause challenge the right of any member, or members, of the board in the trial of any action against him, and if the remaining members of said board find that such challenge is justifiable, said member, or members, of the board shall be excused from hearing said charges, and another member, or members, substituted in lieu thereof.

(9) No officer shall be entitled to a hearing as provided in this section, unless his suspension is for more than twenty days, or his pay reduced more than ten per cent; provided, if such officer receives more than twenty days suspension or reduction in salary of more than ten per cent within a period of one year, he shall have the right to such hearing in the manner above provided.

(10) Any civilian employee may be discharged, suspended or reduced in pay at any time or times by the Commissioner, and such civilian employees shall hold office at the pleasure of the Commissioner.

(11) Any officer appointed to the Department shall be considered on probation for a period of one year from and after the date of his appointment, and during such period may be discharged or suspended or reduced in rank or pay, with or without cause, by said Commissioner. The rights herein conferred upon an officer for a hearing, as provided in this section, shall not accrue until such officer has been employed by the Department for a period of one year or more.

SECTION 5. Section 16.170 of the Kentucky Revised Statutes is amended to read as follows:

No officer of the Department shall, directly or indirectly, give, solicit or receive, or be in any manner concerned in giving, soliciting or receiving, any assessment, subscription or contribution for any political party or political purpose whatever. No officer shall, orally or by letter, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose whatever from any person

holding a position in the Department. No officer of the Department shall take any part in political management or affairs or in political campaigns further than to cast his vote and to express privately his opinion. Violation of the provisions hereof shall be grounds for removal.

SECTION 6. Section 16.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner shall be more than twenty-eight years of age and shall be a citizen of the United States, and shall be selected on the basis of training, experience and qualifications for this position and preferably shall have had at least five years' experience in public or police administration.

(2) The Commissioner may appoint a deputy commissioner who shall hold office at the pleasure of the Commissioner and shall serve as Commissioner in the absence or disability of the Commissioner. The qualifications of the deputy commissioner shall be the same as those of the Commissioner as specified in subsection one of this section. He shall have all the powers and duties of an officer of the department and shall be provided with such uniforms, equipment and facilities as are provided other officers of the department; provided, however, that the deputy commissioner shall acquire no tenure through virtue of his appointment, and that Section 16.050, 16.080 (1), 16.140, 16.150 and 16.160 of the Kentucky Revised Statutes concerning the appointment, promotion and removal of officers shall not apply to the deputy commissioner. The Commissioner may designate the rank of the deputy commissioner.

The Governor may appoint an officer of the department to the office of deputy commissioner; provided that if an officer of the department is appointed as deputy commissioner, he shall, upon relief from his duties as deputy commissioner, be reinstated as an officer of the department at the rank held immediately preceding his appointment as deputy commissioner, and the time served as deputy commissioner shall be considered as time served in such rank.

(3) The Commissioner shall appoint from the ten highest ranking officers of the department one officer to act as an ex-

ecutive assistant. Such appointment may be changed at any time or times by the Commissioner and any other officer substituted in lieu thereof.

By Senator Moloney.

S. B. No. 153. AN ACT concerning civil defense.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In order to minimize the destructiveness resulting from enemy attack, sabotage or other hostile action, or by fire, flood, or other causes, and in order to insure that preparations of this state will be adequate to deal with disasters or emergencies, to preserve the lives and property of the people of this state, and generally to protect the public peace, health and safety, it is hereby found and declared to be necessary:

(1) to create a state civil defense agency and to authorize the creation of local organizations for civil defense in the counties and cities of the state;

(2) to confer upon the Governor and the chief executive officers of the counties and cities of the state the emergency powers provided herein;

(3) to provide for the rendering of mutual aid among the counties and cities of the state, and with other states and with the Federal Government with respect to the performance of civil defense functions; and

(4) to authorize the establishment of such organizations and the taking of such steps as are necessary and appropriate to carry out the provisions of this chapter.

Section 2. As used in this chapter, unless the context requires otherwise:

(1) "Civil Defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces or other Federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or

other hostile action, or by fire, flood or other causes. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions;

(2) "Civil Defense Agency" means the Division of Civil Defense of the Department of Military Affairs;

(3) "Director" means the Director of the Division of Civil Defense of the Department of Military Affairs;

(4) "Council" means the Civil Defense Advisory Council.

Section 3. There is hereby created as a division of the Department of Military Affairs a Division of Civil Defense for the purpose of carrying out the provisions of this chapter.

Section 4. The functions of the Civil Defense Agency shall be directed and supervised by the Adjutant General who shall be the director thereof and who shall be responsible to the Governor for carrying out the program for civil defense of the state. The director shall coordinate the activities of all organizations for civil defense within the state and shall maintain liaison with and cooperate with civil defense agencies of other states and the Federal Government. The director shall have such additional authority, duties and responsibilities as may be prescribed by the Governor.

Section 5. The director may employ technical, clerical, stenographic and other personnel and fix the compensation of such employees as are to be compensated.

Section 6. The Civil Defense Agency shall be furnished appropriate office space, furniture, equipment, supplies, stationery and printing.

Section 7. There is hereby created a Civil Defense Advisory Council to be composed of not less than twelve nor more

than twenty members to be appointed by the Governor. The members shall serve without compensation but they may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties. The council, of which the Governor shall be chairman, shall advise the Governor and the director on all matters pertaining to civil defense.

Section 8. The Governor shall have general direction and control of the Civil Defense Agency, and shall be responsible for the carrying out of the provisions of this Act, and in the event of disaster or emergency beyond local control, may assume direct operational control over all or any part of the civil defense functions within this State.

Section 9. In performing his duties under this Act, the Governor is authorized and empowered:

(1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this Act with due consideration of the plans of the Federal Government;

(2) To prepare a comprehensive plan and program for the civil defense of this state, such plan and program to be integrated into and coordinated with the civil defense plans of the Federal Government and of other states to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense by the counties and cities of this state, such plans to be integrated into and coordinated with the civil defense plan and program of this state to the fullest possible extent;

(3) In accordance with such plan and program for the civil defense of this state, to ascertain the requirements of the state and of the counties and cities thereof for food or clothing or other necessities of life in the event of attack and to plan for and procure supplies, medicines, materials, and equipment, and to use and employ from time to time any of the property, services, and resources within the state, for the purposes set forth in this Act; to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the furnishing of adequately

trained and equipped forces of civil defense personnel in time of need.

(4) To cooperate with the President of the United States, the chiefs of the Armed Forces, and the civil defense agency of the United States, and officers and agencies of other states in matters pertaining to the civil defense of the state and nation and the incidents thereof; and in connection therewith, to take any measures which he may deem proper to carry into effect any request of the President and the appropriate Federal officers and agencies, for any action looking to civil defense, including the direction or control of black-outs and practice black-outs, air-raid drills, mobilization of civil defense forces, and other tests and exercises, warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith, the effective screening or extinguishing of all lights and lighting devices and appliances, the shutting off of water mains, gas mains, electric power connections and the suspension of all other utility services, the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack, public meetings or gatherings and the evacuation and reception of the civilian population;

(5) To take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Act and with the orders, rules, and regulations made pursuant thereto;

(6) To employ such measures and give such directions to the state or local boards of health as may be reasonably necessary for the purpose of securing compliance with the provisions of this Act or with the findings or recommendations of such boards of health by reason of conditions arising from enemy attack or the threat of enemy attack or otherwise;

(7) To utilize the services and facilities of existing officers and agencies of the state and of the political subdivisions thereof; and all such officers and agencies shall cooperate with and extend their services and facilities to the Governor as he may request;

(8) To establish agencies and offices and to appoint executive, technical, clerical, and other personnel as may be necessary to carry out the provisions of this Act including, with due consideration to the recommendations of the local authorities, full-time state and regional area directors;

(9) To delegate any authority vested in him under this Act, and to provide for the subdelegation of any such authority;

(10) On behalf of this state to enter into reciprocal aid agreements or compacts with other states and the Federal Government, either on a state-wide basis or local county or city basis or with a neighboring state or province of a foreign country. Such mutual aid agreements shall be limited to the furnishing or exchange of food, clothing, medicine, and other supplies, engineering services, emergency housing, police services, National or State Guards while under the control of the state, health, medical, and related services, fire fighting, rescue, transportation, and construction services and equipment, personnel necessary to provide or conduct these services, and such other supplies, equipment, facilities, personnel, and services as may be needed, the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items for mobile support units, fire fighting, and police units and health units, and on such terms and conditions as are deemed necessary;

(11) To sponsor and develop mutual aid plans and agreements among the counties and cities of the state, similar to the mutual aid arrangements with other states referred to above.

Section 10. In the event of actual enemy attack against the United States, the Governor, with the advice and consent of the Council, may declare that a state of emergency exists, and thereafter the Governor shall have and may exercise for such period as such state of emergency exists or continues, the following additional emergency powers:

(1) To enforce all laws, rules, and regulations relating to civil defense and to assume direct operational control of all civil defense forces and helpers in the state;

(2) To seize, take, or condemn property for the protection

of the public or at the request of the President, the Armed Forces or the civil defense agency of the United States including:

(a) All means of transportation and communication;

(b) All stocks of fuel of whatever nature;

(c) Food, clothing, equipment, materials, medicines, and all supplies; and

(d) Facilities, including buildings and plants;

(3) To sell, lend, give, or distribute all or any such property among the inhabitants of the state and to account to the State Treasurer for any funds received for such property;

(4) To make compensation for the property so seized, taken, or condemned;

(5) To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population.

Section 11. In case property is taken for temporary use, the Governor shall, within thirty days of the taking, fix the amount of compensation to be paid therefor. In case such property shall be returned to the owner in a damaged condition or shall not be returned to the owner, the Governor shall, within thirty days after the taking, fix the amount of compensation to be paid for such damage or failure to return. Whenever the Governor shall deem it advisable for the state to take title to property taken under this section, he shall forthwith cause the owner of such property to be notified thereof in writing by registered mail, postage prepaid, and forthwith cause to be filed a copy of said notice with the Secretary of State.

Section 12. If the owner of any property seized, taken or condemned pursuant to subsection (b) of section 10 refuses to accept as adequate the compensation fixed by the Governor, he may present a claim to the Board of Claims which shall hear and determine it according to the provisions of Chapter 44 of KRS and the regulations of the board. The provisions of KRS 44.070(2) shall not apply to claims presented pursuant to this chapter.

Section 13. The owner of property seized, taken or con-

demned may appeal from the award of the Board of Claims to the Circuit Court of the county wherein he resides if the amount in controversy, exclusive of interest and costs, is over twenty-five dollars or to the Quarterly Court of the county wherein he resides in other cases. Sections 724 through 731 of the Civil Code of Practice shall, so far as applicable, govern the procedure on appeal but the action shall be tried according to the practice prescribed for the trial of jury cases.

An appeal from the judgment may be taken to the Court of Appeals as in other cases subject to the provisions of KRS 21.060, 21.070 and 21.080.

Section 14. If the owner of property seized, taken or condemned accepts as adequate the compensation fixed by the Governor, he shall file a statement of the amount of compensation from the Governor to the Department of Finance which shall draw a warrant on the State Treasurer for the amount of the compensation, in favor of the person entitled to payment.

If the compensation is determined by award of the Board of Claims or judgment of a court, as provided in this chapter, a certified copy of such award or judgment shall be filed with the Department of Finance which shall draw a warrant on the State Treasurer for the amount of the award or judgment.

The State Treasurer shall pay such warrants out of any money in the treasury not otherwise appropriated.

Section 15. The director of each local organization for civil defense may develop or cause to be developed mutual-aid arrangements with other public and private agencies within this state for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Counties and cities may confer or authorize the conferring upon members of the auxiliary police the powers of peace officers, subject to such restrictions as shall be imposed. Such arrangements shall be consistent with the state civil defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual-aid arrangements.

The director of each local organization for civil defense may

assist in negotiation of reciprocal mutual-aid agreements between the Governor and the adjoining states (including foreign states or provinces) or political subdivisions thereof, and shall carry out arrangements or any such agreement relating to the local and political subdivision.

Section 16. Each county and city of this state is hereby authorized and directed to establish a local organization for civil defense in accordance with the state civil defense plan and program. The county judge of each county and the chief executive of each city or governing body thereof is authorized to appoint a director who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such appointing officer or governing body. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the county or city within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this Act.

Section 17. Each county and city shall have the power and authority:

(1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster; and to direct and coordinate the development of civil defense plans and programs in accordance with the policies and plans prescribed by the Federal and state civil defense agencies;

(2) To appoint, employ, remove, or provide, with or without compensation, air-raid wardens, rescue teams, auxiliary fire and police personnel, and other civilian defense workers;

(3) To establish a primary and one or more secondary control centers to serve as command posts during an emergency;

(4) Subject to the order of the Governor, or the chief executive of the county or city, to assign and make available for duty, the employes, property, or equipment of the county or

city relating to fire fighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for civil defense purposes and within or outside of the physical limits of the county or city;

(5) In the event of enemy attack or state of emergency as provided in section 10, to waive procedures and formalities otherwise required by the law pertaining to: the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution, with or without compensation, of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

Section 18. Whenever the employes of any county or city are rendering outside aid pursuant to the authority contained in section 16 hereof, such employes shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the county or city in which they are normally employed.

Section 19. The city or county in which any equipment is used pursuant to this section shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for such loss, damage, or expense shall be allowed unless, within sixty days after the same is sustained or incurred, an itemized notice of such claim under oath is served by mail or otherwise upon the chief fiscal officer of such county or city where the equipment was used. The county or city which is aided pursuant to this section shall also reimburse the county or city furnishing such aid for the compensation paid to employes furnished under this section during the time of the rendition of such aid and shall defray the actual traveling and maintenance expenses of such employes while they are rendering such aid. Such reimbursement shall include any amounts paid or due for compensation due to personal injury or death while such employes are engaged in rendering such aid. The term "employe" as used in this section shall mean, and the provisions of this section shall apply with equal effect to, paid, volunteer, auxiliary employes, and civil defense workers.

The foregoing rights, privileges, and obligations shall also apply in the event such aid is rendered outside the state, provided that payment or reimbursement in such case shall or may be made by the state or political subdivision receiving such aid pursuant to a reciprocal mutual-aid agreement or compact with such state or by the Federal Government.

Section 20. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock or practice attack shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises for loss of, or damage to, the property of such person.

Section 21. The Governor, or the director at the request of the Governor, is authorized to create and establish such number of mobile support units as may be necessary to reinforce civil defense organizations in stricken areas and with due consideration of the plans of the Federal Government and of other states. He shall appoint a commander for each such unit who shall have primary responsibility for the organization, administration, and operation of such unit. Mobile support units shall be called to duty upon orders of the Governor or the director and shall perform their functions in any part of the state, or, upon the conditions specified in this Act, in other states.

Section 22. Personnel of mobile support units while on duty, whether within or without the state, shall, if they are employes of the state or of cities or counties, and whether serving within or without such cities or counties, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment. If such personnel are not employes of the state or of a county or city thereof, they shall be entitled to compensation by the state at $3.00 per day and to the same rights and immunities as are provided by law for the employes of this state. All personnel of mobile support units shall, while on duty, be subject to the operational control of the

authority in charge of civil defense activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

The state shall reimburse a county or city for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of employes of such county or city while serving as members of a mobile support unit, and for all payments for death, disability, or injury of such employes incurred in the course of such duty, and for all losses of or damage to supplies and equipment of such county or city resulting from the operation of such mobile support units.

Section 23. Whenever a mobile support unit of another state shall render aid in this state pursuant to the orders of the Governor of its home state and upon the request of the Governor of this state, this state shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of the personnel of such mobile support unit while rendering such aid, and for all payments for death, disability, or injury of such personnel injured in the course of rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a political subdivision thereof resulting from the rendering of such aid: Provided, that the laws of such other state contain provisions substantially similar to this section or that provisions to the fore-going effect are embodied in a reciprocal mutual-aid agreement or compact or that the Federal Government has authorized or agreed to make such reimbursement for such mutual aid as above provided.

No personnel of mobile support units of this state shall be ordered by the Governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this section or unless the reciprocal mutual aid agreements or compacts include provisions providing for such reimbursement or unless such reimbursement will be made by the Federal Government by law or agreement.

Section 24. For the purpose of making surveys and investigations and obtaining information, except the investigation of subversive activities that are the responsibility of the Federal Bureau of Investigation, the Governor may compel by subpoena

the attendance of witnesses, and the production of books, papers, records, and documents of individuals, firms, associations, and corporations; and all officers, boards, commissions, and departments of the state, and the political subdivisions thereof, having information with respect thereto, shall cooperate with and assist him in making such investigation and surveys.

Section 25. The Governor may formulate and execute plans and regulations for the control of traffic in order to provide for the rapid and safe movement of evacuation over public highways and streets of people, troops, or vehicles and materials for national defense or for use in any defense industry, and may coordinate the activities of the departments or agencies of the state and of the political subdivisions thereof concerned directly or indirectly with public highways and streets, in a manner which will best effectuate such plans.

Section 26. Notwithstanding any inconsistent provision of law, the Governor may, whenever he deems it to be in the public interest:

(1) Authorize any department or agency of the state to lease or lend, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the state, any real or personal property of the state government to the President of the United States, the chiefs of the Armed Forces, or to the civil defense agency of the United States;

(2) Enter into a contract on behalf of the state for the lease or loan to any political subdivision of the state on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the state, of any real or personal property of the state government, or the temporary transfer or employment of personnel of the state government to or by any political subdivision of the state.

Section 27. The chief executive or governing body of each political subdivision of the state may:

(1) Enter into such contract or lease with the state, or accept any such loan, or employ such personnel, and such political subdivision may equip, maintain, utilize, and operate any

such property and employ necessary personnel therefor in accordance with the purposes for which such contract is executed;

(2) Do all things and perform any and all acts which he may deem necessary to effectuate the purpose for which such contract was entered into in accordance with the state civil defense plan.

Section 28. The political subdivisions of the state and other agencies designated or appointed by the Governor are authorized and empowered to make, amend, and rescind such orders, rules, and regulations as may be necessary for civil defense purposes and to supplement the carrying out of the provisions of this Act, but not inconsistent with any orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power delegated to it by him.

All orders, rules, and regulations promulgated by the Governor, or by any political subdivision or other agency authorized by this Act to make orders, rules, and regulations, shall have the full force and effect of law, when, in the event of issuance by the Governor, or any state agency, a copy thereof is filed in the office of the Secretary of State, or, if promulgated by a political subdivision of the state or agency thereof, when filed in the office of the clerk of the political subdivision or agency promulgating the same. All existing laws, ordinances, rules, and regulations inconsistent with the provisions of this Act, or of any order, rule, or regulation issued under the authority of this Act, shall be suspended during the period of time and to the extent that such conflict exists.

In order to attain uniformity so far as practicable throughout the country in measures taken to aid civil defense, all action taken under this Act and all orders, rules, and regulations made pursuant thereto, shall be taken or made with due consideration to the orders, rules, regulations, actions, recommendations, and requests of Federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, actions, recommendations and requests.

Section 29. The law enforcing authorities of the state and of the counties and cities thereof shall enforce the orders, rules, and regulations issued pursuant to this Act.

Section 30. Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer civil defense worker, or member of any agency engaged in civil defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the workmen's compensation law or sections 18 and 19 hereof or any pension law or any Act of Congress.

Neither the state nor any political subdivision of the state nor, except in cases of wilful misconduct, gross negligence, or bad faith, the employes, agents, or representatives of the state or any political subdivision thereof, nor any volunteer or auxiliary civil defense worker or member of any agency engaged in any civil defense activity, complying with or reasonably attempting to comply with this Act, or any order, rule, or regulation promulgated pursuant to the provisions of this Act, or pursuant to any ordinance relating to black-out or other precautionary measures enacted by any city of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity.

Section 31. A peace officer, when in full and distinctive uniform or displaying a badge or other insignia of authority, may arrest without a warrant any person violating or attempting to violate in such officer's presence any order, rule, or regulation made pursuant to this Act. This authority shall be limited to those rules and regulations which affect the public generally.

Section 32. Whenever the Federal Government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of civil defense, the state, acting through the Governor, or such political subdivision, acting through its chief executive or governing body, may accept such offer and upon such acceptance the Governor of the state or chief executive or governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be,

to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer.

Section 33. No organization for civil defense established under the authority of this Act shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Section 34. No person shall be employed or associated in any capacity in any civil defense organization established under this Act who advocates a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Kentucky, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of the state by force or violence; and that during such time as I am a member of the (name of civil defense organization) I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

Section 35. Any person violating any provision of this Act or any rule, order, or regulation made pursuant to this Act shall,

upon conviction thereof, be guilty of a misdemeanor punishable by a fine or imprisonment.

Section 36. To carry out the provisions of this act, there is appropriated to the Division of Civil Defense, out of the General Expenditure Fund in the State Treasury, the sum of $33,850 for the fiscal year 1952-53 and the sum of $25,590 for the fiscal year 1953-54 for administrative costs. Expenses and expenditures of the Civil Defense Agency shall be paid out of this appropriation on vouchers approved by the director.

Section 37. Whereas, a threat to national defense is imminent, necessitating immediate cooperation of this state with the Federal civil defense agency and the civil defense agencies of other states, and

Whereas, the immediate adoption of a civil defense program is essential to the public safety and welfare of this state,

An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

BUDGET FOR DIVISION OF CIVIL DEFENSE

	1952-53	1953-54
Deputy Director	$ 5,400	$ 5,640
Travel	600	900
Secretary	2,400	2,640
Director for Mutual Aid & Mobile Support	3,600	3,840
Travel	900	900
Postage, Freight & Express	1,000	1,000
Telephone & Telegraph	400	400
Printing & Advertising	150	150
Office Supplies	300	300
Miscellaneous	100	100
Total	$14,850	$15,870
Medical		
Secretary	$ 2,400	$ 2,640
Travel & Office Expenses	600	600
Total	$ 3,000	$ 3,240

Fire Marshal		
Secretary	$ 2,400	$ 2,640
Travel (for designated C.D. personnel)	600	600
Total	$ 3,000	$ 3,240
State Police		
Secretary	$ 2,400	$ 2,640
Travel (for designated C.D. personnel)	600	600
Total	$ 3,000	$ 3,240
	$23,850	$25,590
Amount to use in matching Federal Funds to stockpile $40,000 of Medical supplies	10,000	
GRAND TOTAL	$33,850	

By Senator Moloney.

S. B. No. 154. AN ACT authorizing the Governor of the Commonwealth of Kentucky to enter into a compact with any other state or states for mutual assistance in meeting any civil defense emergency or disaster.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Governor of this state is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Kentucky with any of the United States legally joining therein in the form substantially as follows:

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological

means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the Civil Defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party states shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and

cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

(h) The safety or public meetings or gatherings; and

(i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to

all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting

such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor

of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

Section 2. Whereas a threat to national defense is imminent, necessitating immediate cooperations of this state with the Federal civil defense agency and the civil defense agencies of other states; and

Whereas, the immediate participation of this state in the compact for mutual assistance in meeting any civil defense emergency or disaster is essential to the public safety and welfare of this state,

An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

By Senator Duffy.

S. B. No. 155. AN ACT to amend and re-enact section 94.140, Kentucky Revised Statutes, relating to election of officers and the appointment of employees of Sinking Funds of Cities of the first class and prescribing the powers and duties of such officers and employees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 91.140, Kentucky Revised Statutes, is amended to read as follows:

(1) The commissioners of the sinking fund shall annually elect one of their number president.

(2) The commissioners of the sinking fund shall, by a

majority vote, elect a treasurer and secretary, who shall give bond with good and sufficient surety, to be approved by the commissioners, and shall take oath in the manner required of the commissioners by subsection (4) of KRS 91.130. He shall hold office for four years and until his successor is qualified. Vacancies shall be filled by appointment of the commissioners. The treasurer and secretary shall keep an accurate record of all proceedings of the board of commissioners, receive and disburse all moneys by order of the commissioners and keep an accurate account thereof, and perform all other acts required of him by the commissioners. He shall account for all money and other things of value belonging to the sinking fund that come into his hands or control.

(3) The Commissioners shall elect all officers and appoint all employees of the sinking fund, prescribe their duties and fix their compensation. They may provide in bylaws for deductions to be made from the compensation of officers and employes for neglect of duty or violation of the bylaws. All officers and employes, except the treasurer and secretary and the president, shall hold office at the pleasure of the commissioners, as prescribed in the bylaws.

(4) Such employees of the Sinking Fund as may be designated by the Board of Commissioners thereof, shall have the same powers as Peace Officers, co-extensive with the county in which said city is located, in the enforcement of all ordinances passed pursuant to sections 92.281, 91.200, to 91.270 inclusive, 137.330, 186.270, 281.815, Kentucky Revised Statutes, or any other ordinance of a city of the first class, which levies a license tax and which is collected or paid to said Sinking Fund.

Any designations made by the Commissioners of the Sinking Fund of cities of the first class, shall be entered of record in the minutes of the Board and a certified copy thereof shall be transmitted to the Judge of the Police Court of said city, and he shall enter same of record and administer to each employee the oath required of Peace Officers.

By Senator Clark.

S. B. No. 156. AN ACT relating to taxes on civil actions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection 1 of Section 142.011 of the Kentucky Revised Statutes is amended to read as follows:

(1) A tax of three dollars hereby is levied on each original action in the circuit court, commencing with or without original process; on each appeal to the circuit court; and on each proceeding to revive a judgment. A tax of five dollars hereby is levied on each appeal to the Court of Appeals.

By Senator Stapleton.

S. B. No. 157. AN ACT relating to inspection of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. DEFINITIONS.

(1) "Department" shall mean the "Department of Kentucky State Police".

(2) "Commissioner" shall mean the "Commissioner or Commanding Officer of the Kentucky State Police".

(3) "Highway" means every way or place of whatever nature when any part of it is open to use of the public as a matter of right, license or privilege, for the purpose of vehicular traffic.

(4) "Motor Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway excepting devices moved by human and animal power or used exclusively upon stationary rails or tracks.

SECTION 2. VEHICLES WITHOUT REQUIRED EQUIPMENT OR IN UNSAFE CONDITION.

No person shall drive or move on any highway any motor vehicle unless the equipment upon any and every said vehicle

is in good working order and adjustment as required by law and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

SECTION 3. INSPECTIONS BY OFFICERS OF THE DEPARTMENT.

(1) The Commissioner or any officer of the department may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

(2) In the event such vehicle and its equipment are found to be in safe condition and in full compliance with the law the officer making such inspection shall issue to the driver an official certificate of inspection and approval of such vehicle specifying those parts or equipment so inspected and approved.

(3) In the event such vehicle is found to be in an unsafe condition or any required part of equipment is not present or is not in proper repair and adjustment the officer shall give a written notice to the driver and shall send a copy to the Department. Said notice shall require that such vehicle be placed in safe condition and its equipment in proper repair and adjustment specifying the particulars with the reference thereto and that a certificate of inspection and approval be obtained within five days.

SECTION 4. PERIODIC INSPECTION.

(1) The department may require that every motor vehicle registered in this state be inspected and that an official certificate of inspection and approval be obtained for each such vehicle, provided, however, that the department may not require an inspection under this section more frequently than once each year. Such inspection shall be made and such certificates obtained with respect to the mechanism, brakes, and equipment of every such vehicle as shall be designated by the Commissioner.

(2) The Commissioner is hereby authorized to make

necessary rules and regulations for the administration and enforcement of this section and to designate any period or periods of time during which owners of any vehicles, subject to this section, shall display upon such vehicles certificates of inspection and approval or shall produce the same upon demand of any officer or employee of the department designated by the Commissioner or any police or peace officer when authorized by the Commissioner.

(3) The department may authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to this Act and may extend the time within such a certificate shall be obtained by the resident owner of the vehicle which was not in this state during the time the inspection was required.

(4) The department may suspend the registration of any vehicle if it is determined that the vehicle is in such unsafe condition as to constitute a menace to safety, or is not, after notice and demand, equipped as required in this Act, or does not have displayed a certificate when one is required.

SECTION 5. INSPECTION STATIONS.

For the purpose of making inspection and issuing of official certificates of inspection and approval as provided herein the department may establish such permanent or temporary stations as are necessary and shall provide such equipment either stationary or movable as the department deems necessary and suitable for such purposes. The department shall publicize the location of all stations or other places where and the times when official certificates of inspection and approval may be obtained.

SECTION 6. APPOINTMENT OF OFFICIAL INSPECTION STATIONS.

(1) The department may issue permits for and furnish instructions and all necessary forms to official inspection stations for the inspection of vehicles as herein required and the issuance of official certificates of inspection and approval.

(2) Application for permit shall be made upon an official form and shall be granted only when the department is satisfied

that the station is properly equipped and has competent personnel to make such inspections and adjustments and will be properly conducted. The department before issuing a permit may require the applicant to file a bond conditioned that it will make compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of such applicant or its employees.

(3) The department shall properly supervise and cause inspections to be made of such stations and shall revoke and require the surrender of the permit issued to a station which it finds is not properly equipped or conducted. The department shall maintain and post at the office of the department lists of all stations holding permits and those whose permits have been revoked.

SECTION 7. OPERATION OF OFFICIAL INSPECTION STATIONS.

(1) No permit for an official station shall be assigned or transferred or used at any location other than therein designated and every said permit shall be posted in a conspicuous place at the location designated.

(2) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form to the owner of a vehicle upon inspecting such vehicle and determining that its equipment is in good condition and proper adjustment, otherwise no certificate shall be issued. When required by the department record and report shall be made of every inspection and every certificate so issued.

(3) The department may by regulation provide for a fee of not to exceed one dollar ($1.00) for an inspection and issuance of a certificate of inspection and approval.

SECTION 8. IMPROPER REPRESENTATION AS OFFICIAL STATION.

(1) No person shall in any manner represent any place as an official inspection station unless such station is operated by the department or is operated under a valid permit issued by the department.

(2) No person other than a duly authorized officer or employee of the department shall issue a certificate of inspection and approval unless holding a valid permit hereunder.

SECTION 9. OWNERS AND DRIVERS TO COMPLY WITH INSPECTION LAWS.

(1) No person driving a vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the Commissioner or an authorized officer or employee of the department.

(2) Every owner or driver, upon receiving a notice as provided for under this Act, shall comply therewith and shall within five days procure an official certificate of inspection and approval which shall be issued in duplicate, one copy to be retained by the owner or driver and the other copy to be forwarded to the department. In lieu of compliance with this paragraph the vehicle shall not be operated as provided in the next succeeding paragraph.

(3) No person shall operate any vehicle after receiving a notice with reference thereto as above provided, except as may be necessary to return such vehicle to the residence or place of business of the owner or driver, if within a distance of twenty miles, or to a garage, until such vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this Act. A certificate of inspection and approval shall be obtained as promptly as possible thereafter.

(4) In the event repair or adjustment of any vehicle or its equipment as found necessary upon inspection the owner of said vehicle may obtain such repair or adjustment at the place he may choose but in every event an official certificate of inspection and approval must be obtained otherwise such vehicle shall not be operated on any highway of the state.

SECTION 10. FALSE CERTIFICATES.

(1) No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection.

(2) No person shall display or cause a permit to be dis-

played upon any vehicle any certificate of inspection and approval knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

SECTION 11. PENALTIES.

(1) Any person violating any of the provisions of sections 7 or 8 of this Act shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or imprisoned for not more than six months or both so fined and imprisoned.

(2) Any person who violates any provision of this Act other than the provisions of sections 7 and 8 shall be fined not less than two dollars ($2.00) nor more than one hundred dollars ($100.00) or imprisoned for not more than ten days or both.

By Senators Lassiter, Melton and Freeman.

S. B. No. 158. AN ACT relating to the distribution of in-lieu payments made by the Tennessee Valley Authority.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any County Treasurer receiving payments direct from the Tennessee Valley Authority, as authorized by Section 13 of the Tennessee Valley Authority Act shall apportion and shall pay the funds received to the local taxing units, except cities, on the basis of the average taxes lost on power property as defined by Section 13 of the Tennessee Valley Authority Act. The tax loss on power property for each district shall be obtained from the Tennessee Valley Authority by the County Treasurer.

(2) All payments, except direct payments to a county, received by the Commonwealth from the Tennessee Valley Authority, as authorized by Section 13 of the Tennessee Valley Authority Act shall be pro-rated in the following manner: ten percent (10%) to the General Fund of the Commonwealth of Kentucky and ninety percent (90%) among counties on the basis of the ratio of the book value of the Tennessee Valley Authority

property within a county to the total book value of Tennessee Valley property within the Commonwealth. The amount thus prorated to each county shall be distributed twenty percent (20%) to the incorporated cities within the county, sixty percent (60%) to the school districts within the county and twenty percent (20%) to the General Fund of the county. In the event there is more than one incorporated city in the county, the amount allocated to incorporated cities shall be apportioned among such cities in the same ratio that the population of the city bears to the total population of all cities within the county. In the event there is more than one school district within any county, the amount allocated to school districts shall be divided among the school districts within the county in the ratio that the number of pupils of school age within each district bears to the total number of pupils of school age in the county as determined by the state Department of Education.

(3) At the end of the fiscal year, as soon as the amount of payments to be made to Kentucky is finally determined by the Tennessee Valley Authority, the Kentucky Department of Revenue shall determine the book value of Tennessee Valley property in each county and prorate the total payment received from the Tennessee Valley Authority, except payments received directly from the Tennessee Valley Authority by the County Treasurers, among the distributees as provided in subsection (2). The Department of Revenue shall certify the payment due each taxing district to the Department of Finance which shall make the payment to the local taxing district.

(4) "Book value" as used in this section means the cost of all property acquired by the Tennessee Valley Authority less reasonable depreciation and the portion of the cost of all construction and improvements allocable to power, less reasonable depreciation. The "Book Value" shall be determined as of the June 30 preceding payment.

(5) This Act shall become effective June 30, 1954.

Ordered that said resolutions and bills be printed and referred.

A resolution of the following title was introduced, viz:

By Senator Moloney.

S. Res. No. 13. A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Said resolution is as follows, viz:

CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and the House of Representatives adjourn Friday, February 8, 1952, they adjourn to meet again on Wednesday, February 13, 1952, at 1:00 O'clock, P.M.

Senator Moloney moved that said Senate Resolution No. 13 be adopted.

Said motion was agreed to

Said resolution was then adopted.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 86. AN ACT relating to the powers of the governing bodies of the state institutions of higher education, the limitations on salaries payable, and related matters.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 107. AN ACT relating to a sewer district in cities of the second class and in counties containing such cities.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 64. AN ACT relating to the duties and liabilities of property owners with regard to the destruction of rats on their premises.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 100. AN ACT relating to a study of the problem of Alcoholism in the State, providing for an Alcoholic Study

Commission and for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 113. AN ACT relating to education.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 140. AN ACT relating to a Department of Mental Health, and its establishment, organization, personnel, powers, duties, functions, funds, and facilities, including provisions for the transfer of functions, funds and facilities from other state departments or agencies.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title viz:

H. Res. No. 14. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest", and declaring an emergency.

Ordered that said resolution be read at length for the second time.

Senator Molony moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 100. AN ACT relating to the Department of Welfare including smoking regulations in the Penal Institutions and Houses of Reform.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision

as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 99. AN ACT relating to support of children, amending section 405.020 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 70. AN ACT relating to fertilizer.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second

reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a resolution of the following title, viz:

H. Res. No. 13. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

Ordered that said resolution be read at length for the second time.

Senator Molony moved that the Constitutional provision as to the second reading at length of said resolution be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said resolution having been dispensed with, said resolution was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 152. AN ACT relating to the ad valorem tax system of the State, counties, cities and other taxing districts.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 138. AN ACT relating to the condemnation of property for construction, reconstruction, and maintenance of highways and bridges and facilities related thereto, and repealing KRS 177.075.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 105. AN ACT relating to the stealing of cattle.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 108. AN ACT changing the classification of the City of Lakeside Park, in Kenton County.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 81. AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 73. AN ACT relating to the terms of court in the Third Judicial District.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision

as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 66. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 90. AN ACT relating to the use of business records as evidence and to make uniform the law relating thereto.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 91. AN ACT relating to use of photographic copies of business and public records as evidence.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 10. AN ACT relating to the compensation of jury commissioners, amending Section 29.060 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 48. AN ACT imposing a penalty for removing or altering numbers on farm tractors or other units of farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 15. AN ACT changing the classification of the city of Worthington, in Greenup County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the City of Worthington, in Greenup County, is such as to justify its being assigned to the fifth class of cities,

NOW, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Worthington, in Greenup County, is transferred from the sixth to the fifth class of cities.

H. B. No. 82. AN ACT relating to the attendance, of witnesses from within or without a state in criminal proceedings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The word "witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

The word "state" shall include any territory of the United States and District of Columbia.

The word "summons" shall include a subpoena, order or other notice requiring the appearance of a witness.

Section 2. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence (and of any other state through which the witness may be required to pass by ordinary course of travel), will give to him protection from arrest and the service of civil and criminal process he shall issue a summons, with a copy of the certificate

attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state.

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 3. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in this state he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars for each day that he is required to travel and attend as a witness, same to be paid in manner that other witnesses are paid by the Commonwealth of Kentucky. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 4. If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

Section 5. This act may be cited as "Uniform Act to Secure the Attendance of Witness from Within or Without a State in Criminal Proceedings."

H. B. No. 143. AN ACT relating to the Department of Agriculture, Labor and Statistics.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Agriculture, Labor and Statistics is authorized to purchase such equipment, including a

large scale test unit and a large meter test unit, as is necessary to adequately and properly administer the provisions of KRS 363.170 to 363.990.

Section 2. For the purposes of this Act there is hereby appropriated out of the General Expenditure Fund in the State Treasury to the Department of Agriculture, Labor and Statistics, for the fiscal year of 1952-53, the sum of $15,200.00.

H. B. No. 149. AN ACT to amend Sections 247.250, 247.280, 247.330, 247.340, 247.350, 247.370 of the Kentucky Revised Statutes relating to county farm bureaus and a state federation of county farm bureaus.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 247.250 of the Kentucky Revised Statutes is amended to read as follows:

The articles of incorporation of a county farm bureau shall be as follows:

"We, the undersigned farmers or landowners, residents of _____County, Kentucky, hereby adopt the following articles of incorporation:

"Article 1. The objects of this incorporation shall be to advance and improve in _____County, Kentucky, the science and art of agriculture, home economics, horticulture and animal industry, cooperating with the State Department of Agriculture, the College of Agriculture of the University of Kentucky and the United States Department of Agriculture.

"Article 2. The name of this corporation shall be the _____County Farm Bureau of _____County, Kentucky.

"Article 3. The affairs of this corporation shall be conducted by a president, a vice president, a secretary and a treasurer, who shall perform the duties usually pertaining to such positions, and by a board of directors of not less than seven members. All officers and directors shall be elected as provided for in the by-laws at an annual meeting and they shall hold

office for one year and until their successors are elected, but, so that the terms of all directors shall not expire at the same time, the members, by by-law or resolution, may provide that at one annual election that the term of half the number of directors, or if there be an uneven number, that the term of one less than the majority or the term of a majority of one, elected at said election, shall be for one year, and the term of the remaining directors elected at said election shall be for two years, and that all elections for directors, after the expiration of the aforesaid specific terms, shall be for two years. We, the said incorporators, have elected the following provisional officers to hold their respective positions until their successors are elected at the annual meeting in the year 19_____.

President _____
Vice President _____
Secretary _____
Treasurer _____
1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____

"Article 4. The date of the annual meeting shall be stated in the by-laws. The by-laws shall be adopted by the members of the corporation and may be amended at any annual meeting of the members.

"Article 5. The yearly dues of the members of this corporation shall be not less than $5.00, payable at the time that application for membership is made and by or on the same date annually thereafter. No member who has once paid dues shall forfeit membership until subsequent dues are 60 days in arrears, but so long as any dues owing are unpaid, such member shall have no right to vote in any election or on any matter.

"Article 6. Any citizen of the county owning or operating a farm, or evidencing a primary interest in farming by reason of his position or occupation may become a member of the corpo-

ration by paying one year's dues and complying with the articles of incorporation and by-laws.

"Article 7. This corporation shall endure until terminated by operation of law."

Section 2. Any county farm bureau heretofore incorporated, pursuant to KRS 247.250, prior to this amendment thereto, shall not be required to re-incorporate, but its articles of incorporation shall be construed as having been amended to incorporate therein this amendment to KRS 247.250.

Section 3. That section 247.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) The outgoing president and treasurer of a farm bureau shall by the date of the annual meeting file with the county clerk full and detailed sworn reports of all receipts and expenditures of the corporation, showing from whom the sums were received and to whom they were paid, and for what purpose they were received or paid. A duplicate of the report shall be laid before the members at the annual meeting.

(2) The books, papers and records of the corporation shall at all times be open to the inspection of the fiscal court or anyone appointed by it to make examination.

Section 4. That section 247.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) A state federation of county farm bureaus may be formed by a majority of the county farm bureaus in existence at the time of the formation of said federation, which have been organized pursuant to sections 247.240 and 247.250 of the Kentucky Revised Statutes, but said majority shall consist of no less than 10 such county farm bureaus.

(2) The state federation of farm bureaus shall have for its purpose the advancement and improvement of agricultural and allied interests of the farms of this state and may cooperate with the State Department of Agriculture, the College of Agriculture of the University of Kentucky, and the United States Department of Agriculture.

(3) The provisions of sub-section (1) hereof shall not affect any existing state federation formed pursuant to the provisions of Chapter 76 or the Acts of 1920 of the General Assembly of the Commonwealth of Kentucky.

Section 5. That section 247.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) The said federation of farm bureaus organized pursuant to section 247.330 of the Kentucky Revised Statutes shall be a body corporate upon the filing with the county court clerk of the county in which the principal office of said federation is located, articles of incorporation signed by the requisite number of authorized representatives of said county farm bureaus, and upon the filing of a copy of said articles of incorporation certified to by said county court clerk, in the office of the Secretary of State of the Commonwealth of Kentucky.

(2) Said articles of incorporation shall state:

(a) The names of the county farm bureaus organizing said state federation;

(b) The corporate name of said state federation;

(c) The location of the principal office;

(d) The nature of its business and its general powers, and may set out any other provision, which the incorporators may deem desirable and which are not in conflict with the law.

(3) The incorporators signing the articles of incorporation shall constitute the first board of directors until the first annual election date to be fixed by the by-laws of the corporation.

(4) Any state federation of county farm bureaus heretofore organized pursuant to the provisions of section 247.330, or, Chapter 76 of the Acts of 1920 of the General Assembly of the Commonwealth of Kentucky, and having heretofore filed its articles of incorporation as provided in this section, shall not be required to re-incorporate, but may continue its corporate existence as if done pursuant hereto, and said corporation or any corporation organized pursuant to this section and said section 247.330, may amend its articles of incorporation by a majority vote of its voting delegates assembled in annual state convention.

Section 6. That Section 247.350 of the Kentucky Revised Statutes is amended to read as follows:

Any state federation organized pursuant to sections 247.330 and 247.340 of the Kentucky Revised Statutes shall have the following organization and function in the following manner:

(1) The said federation shall hold an annual meeting at a date to be fixed by its by-laws, which annual meeting may be referred to as the "annual convention" of said federation.

(2) Each county farm bureau a member of said federation shall be entitled to one voting delegate at said convention for the first 50 paid-in memberships received during the year ending prior to said state convention. Each additional 100 paid-in memberships or major portion thereof shall entitle the county farm bureau to an additional voting delegate. No voting delegate shall vote by proxy, unless the proxy is in writing in a form approved by the board of directors of the state federation.

(3) The governing body of said state federation shall consist of a board of directors of not less than seven members. The distribution of said directors shall be by state federation districts, and set forth in the by-laws of the corporation. Each director shall be elected for a term of two years, shall be a resident of the district from which he is elected, must be actively engaged in farming, or evidencing a primary interest therein by reason of his position or occupation, and shall be nominated by the voting delegates of said district and elected by a majority vote of the voting delegates voting either in person or by proxy at said election.

(4) Said state federation by by-laws shall have authority to provide for additional directors representing cooperating agricultural agencies.

(5) The officers of said federation shall consist of a president, a first vice president, and a second vice president, who shall be elected by majority vote cast by the voting delegates at the annual convention, and there shall be an executive officer of the corporation, who shall be elected by the board of directors, and who shall be an ex-officio member of the board, without power to vote.

(6) The board of directors shall select from its membership an executive committee composed of three persons, and said committee shall have general charge of the management of the business of the federation in the interim between meetings of the board of directors and shall possess such powers, duties and responsibilities as may be provided in the by-laws of the federation or by resolution of the board of directors.

Section 7. That Section 247.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every county farm bureau organized pursuant to the Kentucky Revised Statutes shall be eligible to membership in any said state federation, but after its admission to membership, said federation shall have power to suspend its membership or expel it for failure to comply with any by-laws or reasonable rule or regulation of the federation.

(2) Any said state federation shall have authority to:

(a) Adopt, amend and repeal by-laws and amendments thereto by majority vote of the voting delegates voting at an annual convention.

(b) Assess annual membership dues against each county farm bureau, and base the amount thereof on the number of paid-in memberships in each county farm bureau.

(c) Acquire, own and hold property, pursuant to action of its board of directors, or by its executive committee upon authorization or approval of its board of directors.

(d) Borrow money and mortgage or pledge its property or assets by action of its board of directors, or, by its executive committee, upon authorization or approval of its board of directors.

(e) Accept gifts, devises and bequests, appropriate and expend its funds, pursuant to action of its board of directors, or its executive committee, upon authorization or approval by its board of directors, for the advancement of agriculture and allied interests and for any purposes deemed advisable to carry on its activities; and

(f) Do anything necessary to carry out the purpose for which it is organized.

Section 8. Any provision in Sections 247.250, 247.280, 247.330, 247.340, 247.350 and 247.370 of the Kentucky Revised Statutes heretofore in conflict with the aforesaid sections as now amended, are hereby repealed.

Section 9. If any provision of this Act is held to be invalid such invalidity shall not affect any other provision which can be given effect without any said invalid provision.

Ordered that said bills be printed and referred.

Senator Golden moved that when the Senate adjourns today it adjourn out of respect to Mrs. Flem D. Sampson, wife of the former Governor of the Commonwealth of Kentucky.

Said motion was agreed to.

ORDERS OF THE DAY

Senator Moloney moved that Senate Bill No. 1, with House Amendments, be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Said bill is entitled as follows, viz:

S. B. No. 1. AN ACT relating to bribery of participants in professional or amateur games, sports, contests and horse racing.

With the following House Amendment, viz:

Amendment No. 1—Amend Senate Bill 1 on page 1, section 1, line 7 by inserting after the word "race" the words "or saddle horse shows"

Senator Moloney moved that the Senate do now concur in House Amendment No. 1 to said bill.

Said motion was agreed to.

And thereupon said amendment was concurred in.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provisions as to the third reading at length of said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Jack R. Reynolds
Bernard J. Bonn	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	Bert Kiser	Clay Shackleford
Louis Cox	James Lassiter	Leon Shaikun
Archie Craft	Homer E. Losey	Cortis K. Stacy
Martin J. Duffy	C. W. A. McCann	Paul Stapleton
Ernest M. Ford	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers

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Senator Moloney moved the adoption of House Amendment No. 2, to said bill. Said House Amendment is as follows:

Amend the title to read as follows:

"AN ACT relating to bribery of participants in professional or amateur games, sports, contests, horse racing and horse shows."

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved that the vote by which said bill, with amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 117. AN ACT relating to utilties in the cities of the third class, providing for the amendment of Subsection (2) and (5) of Section 96.176, Section 96.182, and Subsection (3) of Section 96.183 of the Kentucky Revised Statutes.

Senator Cox moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Louis Cox	Julian Golden
Bernard J. Bonn	Archie Craft	James P. Hanratty
Eugene H. Clark	Martin J. Duffy	Doug Hays
Augustus Cornett	Ernest M. Ford	Thomas Hines

Dr. J. E. Johnson	Earl F. Martin	Leon Shaikun
Alvin Kidwell	Strother Melton	Paul Stapleton
Bert Kiser	Richard P. Moloney	Otis C. Thomas
James Lassiter	Jack R. Reynolds	Wendell Van Hoose
Homer E. Losey	Freeman Robinson	John M. Williams
C. W. A. McCann	William J. Sample	E. V. Withers
James R. Mansfield	Clay Shackleford	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 103. AN ACT concerning enforceability of contracts of infants executed to obtain benefits of federal law providing for the making or guaranteeing of loans to war veterans.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Freeman Robinson
Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Wendell Van Hoose
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Julian Golden	Strother Melton	John M. Williams
James P. Hanratty	Richard P. Moloney	E. V. Withers
Thomas Hines	Jack R. Reynolds	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that S. B. No. 50, with amendments, be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Thereupon the Senate took up for consideration from the Orders of the Day said bill entitled as follows, viz:

S. B. No. 50. AN ACT relating to the licensing, inspection, and regulation of hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

With the following amendments, viz:

Committee Amendment No. 1

By striking from lines 9 and 10 on Page 1 of the printed bill and Page 2, line 11 of the printed bill the following language: "The term "Hospital" includes nursing and convalescent homes and all institutions for the care of the sick."

Committee Amendment No. 2

on the first page thereof by inserting after the word "place" on line 6 of the printed bill the following: ", including nursing

and convalescent homes and all institutions for the care of the sick,"

Committee Amendment No. 3

By inserting after the word "provided" on Page 11, Line 158 of the Printed Bill the following "in any hospital,"

Amendment No. 4

On Line 198, Page 12, following the word "patients," delete the period (.) and insert in lieu thereof a comma (,) and the following words: "and no person shall be denied care solely because of race, creed, or color."

Amendment No. 5

Amend printed copy of Senate Bill No. 50 on page 12, section 6, line 176

By striking out the word Chiropractic and adding in lieu thereof the following:

3. Chiropractic, or to the operation or maintainence of any chiropractic hospital, provided such hospital complies with the minimum standards established by the State Board of Chiropractic Examiners.

Senator Moloney moved that the Senate do now adopt Amendment No. 1.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved that the Senate do now adopt Amendment No. 2.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Moloney moved that the Senate do now adopt Amendment No. 3.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator McCann moved that the Senate do now adopt Amendment No. 4.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Wagner moved that the Senate do now adopt Amendment No. 5.

The yeas and nays taken on said motion were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Stanley Hoffman	Otis C. Thomas
Bernard J. Bonn	Alvin Kidwell	Wendell Van Hoose
Martin J. Duffy	Homer E. Losey	Sylvester Wagner
Thomas Hines	James R. Mansfield	—11

Those who voted in the negative were—

Louis Cox	Dr. J. E. Johnson	Jack R. Reynolds
Archie Craft	Bert Kiser	Freeman Robinson
Ernest M. Ford	C. W. A. McCann	Clay Shackleford
Wayne Freeman	Earl F. Martin	Leon Shaikun
Julian Golden	Strother Melton	Cortis K. Stacy
James P. Hanratty	Richard P. Moloney	Paul Stapleton
Doug Hays	O. W. Montgomery	John M. Williams
		—21

Thereupon said motion was lost.

Thereupon said amendment No. 5 was rejected.

Senator Johnson moved the previous question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be

dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Freeman Robinson
Augustus Cornett	Alvin Kidwell	William J. Sample
Louis Cox	James Lassiter	Clay Shackleford
Archie Craft	Homer E. Losey	Leon Shaikun
Martin J. Duffy	C. W. A. McCann	Cortis K. Stacy
Ernest M. Ford	James R. Mansfield	Paul Stapleton
Wayne Freeman	Earl F. Martin	Otis C. Thomas
Julian Golden	Strother Melton	Wendell Van Hoose
James P. Hanratty	Richard P. Moloney	Sylvester Wagner
Doug Hays	O. W. Montgomery	John M. Williams
Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman		

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill entitled as follows, viz:

H. B. No. 101. AN ACT relating to the trust and agency fund of the metal stamping plant in the Department of Welfare.

Senator Moloney moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill, with amendment, entitled as follows, viz:

S. B. No. 106. AN ACT concerning Commonwealth's attorneys, assistant Commonwealth's attorneys, district detectives and stenographers.

With the following amendment, viz:

Page 2 section 1 line 19:

By inserting the word "criminal" between the words "more" and "divisions."

Senator Shaikun moved that the Senate adopt said amendment.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Shaikun moved the previous question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment, having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz;

Those who voted in the affirmative were—

Bernard J. Bonn	Bert Kiser	Freeman Robinson
Louis Cox	James Lassiter	William J. Sample
Archie Craft	Homer E. Losey	Clay Shackleford
Martin J. Duffy	C. W. A. McCann	Leon Shaikun
Ernest M. Ford	James R. Mansfield	Paul Stapleton
James P. Hanratty	Earl F. Martin	Otis C. Thomas
Doug Hays	Strother Melton	Sylvester Wagner
Thomas Hines	Richard P. Moloney	John M. Williams
Dr. J. E. Johnson	Jack R. Reynolds	E. V. Withers
Alvin Kidwell		—28

Those who voted in the negative were—

Eugene H. Clark	Wendell Van Hoose	—2

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill entitled as follows:

S. B. No. 115. AN ACT relating to compensation and maintenance of persons performing public services in positions requiring the services of a physician.

Senator Moloney moved that consideration of said bill be deferred and that it be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

H. B. No. 115. AN ACT permitting the creation of a County Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and providing for the classification, qualification, examination, appointment, tenure, promotion, demotion, fine, suspension, disci-

pline, immunities and removal of police personnel, prohibiting certain defined political activities, providing penalties therefor and repealing laws in conflict.

Senator Shaikun moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Freeman Robinson
Bernard J. Bonn	Bert Kiser	William J. Sample
Eugene H. Clark	James Lassiter	Clay Shackleford
Augustus Cornett	Homer E. Losey	Leon Shaikun
Louis Cox	C. W. A. McCann	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	Jack R. Reynolds	E. V. Withers
Thomas Hines		

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 22. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

H. Stanley Blake	Dr. J. E. Johnson	Freeman Robinson
Bernard J. Bonn	Alvin Kidwell	William J. Sample
Augustus Cornett	Bert Kiser	Clay Shackleford
Louis Cox	James Lassiter	Leon Shaikun
Martin J. Duffy	Homer E. Losey	Paul Stapleton
Wayne Freeman	C. W. A. McCann	Otis C. Thomas
Julian Golden	James R. Mansfield	Wendell Van Hoose
James P. Hanratty	Strother Melton	Sylvester Wagner
Doug Hays	Richard P. Moloney	John M. Williams
Stanley Hoffman	Jack R. Reynolds	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 1. AN ACT relating to bribery of participants in professional or amateur games, sports, contests and horse racing. (As amended)

S. Res. No. 7. A RESOLUTION concerning the naming of the body of water impounded by Wolf Creek Dam.

Thereupon, all other business was suspended, said bill and said resolution were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bill and resolution to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bill and resolution duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bill and resolution to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 36. AN ACT relating to time.

H. B. No. 69. AN ACT relating to income taxation.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bills to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

REPORT OF CONTEST BOARD

The Chairman of the Contest Board made a preliminary report on its investigation of the election contest of Hines vs. Cox, reporting that said contest has been withdrawn.

REPORTS OF COMMITTEES

Senator Kiser, Chairman of the Committee on Motor Vehicles, Commerce and Common Carriers, to which same had been referred previously, reported bills of the following titles, viz:

S. B. No. 25. AN ACT concerning equipment of vehicles.

S. B. No. 111. AN ACT relating to the sale of boats and motor vehicles for the purpose of recovering charges and deferred purchase money due thereon, amending section 376.280 of the Kentucky Revised Statutes.

With the expression of opinion that said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Johnson, Chairman of the Committee on Public Health, to which same had been referred previously, reported bills of the following titles, viz:

S. B. No. 57. AN ACT relating to the practice of dentistry.

S. B. No. 13. AN ACT concerning the practice of Chiropody.

With the expression of opinion that said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Robinson moved that the rules of the Senate be suspended for the purpose of the introduction of a resolution.

Said motion was agreed to.

The following resolution was introduced, viz:

By Senator Robinson.

S. Res. No. 15. A JOINT RESOLUTION authorizing James Daniel Chancey, Louisville, Kentucky to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That James Daniel Chancey, Louisville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Franklin Circuit Court for personal injuries, permanent physical impairment excruciating physical pain and mental anguish alleged to have been sustained by him in the line of duty while serving as a member of the Kentucky National Guard, before the National Guard became Federalized, and while on active duty in Harlan County, Kentucky, during the mine trouble on or about the 15th day of July, 1939.

Said suit shall be in the sum not to exceed $25,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim of the Commonwealth of Kentucky herein and settle said claim before or after suit is filed as he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event the suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence on the part of the Commonowealth and this resolution shall not be introduced as evidence nor commented upon by counsel in the argument of the case to the jury.

Ordered that said resolution be printed and referred.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of recommitting a bill.

Said motion was agreed to.

Senator Moloney moved that S. B. No. 20 be recommitted for reconsideration by the Committee.

Said motion was unanimously agreed to.

Senator Moloney moved that out of respect to Mrs. Sampson, wife of Honorable Flem D. Sampson, former Governor of the Commonwealth of Kentucky, the Senate do now adjourn until 10 A.M., February 8, 1952.

Said motion was agreed to.

And then the Senate adjourned.

FRIDAY, FEBRUARY 8, 1952

The Senate convened and was called to order by the President of the Senate, the Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend E. W. Baxter, Pastor of the Church of the Ascension, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

Eugene H. Clark	Ernest M. Ford	Doug Hays
Augustus Cornett	Wayne Freeman	Thomas Hines
Archie Craft	Julian Golden	Dr. J. E. Johnson
Martin J. Duffy	James P. Hanratty	Alvin Kidwell

James Lassiter	Richard P. Moloney	Otis C. Thomas
Homer E. Losey	Jack R. Reynolds	Wendell Van Hoose
C. W. A. McCann	Freeman Robinson	Sylvester Wagner
James R. Mansfield	William J. Sample	John M. Williams
Earl F. Martin	Paul Stapleton	E. V. Withers

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The following Senators were absent—

H. Stanley Blake	Bert Kiser	Leon Shaikun
Bernard J. Bonn	Strother Melton	Cortis K. Stacy
Louis Cox	O. W. Montgomery	Ed P. Warriner
Stanley Hoffman	Clay Shackelford	

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Senator Stapleton moved that the reading of the Journal of the Senate of the proceedings for Thursday, February 7, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF A RESOLUTION AND BILLS

The following resolution and bills were introduced, viz:

By Senator Wagner.

S. Res. No. 16. A RESOLUTION directing the Legislative Research Commission to make a study of the subject of municipal home rule and submit a report.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Kentucky Legislative Research Commission is directed to conduct a thorough study and examination of the subject of municipal home rule and submit a written report of its findings and recommendations to the 1954 General Assembly.

By Senator Ford.

S. B. No. 159. AN ACT relating to utilities owned by cities of the second to sixth classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 96.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) No city of the second, third, fourth, fifth or sixth class that owns a waterworks system or lighting system by gas or electricity, shall sell, convey, lease or encumber the system of the income therefrom without the assent of two-thirds of the total number of legal voters of the city voting at an election held for that purpose, after sixty consecutive days' notice of the election next before the date of the election has been published in the newspaper having the largest circulation in the city. If, in the case of a city of the fourth, fifth or sixth class, no newspaper is published in the city, notice shall be given by handbills posted up in at least ten public places in the city for not less than sixty days prior to the date of the election.

By Senator Withers.

S. B. No. 160. AN ACT to prohibit actions for alienation of affections and to dismiss all such actions in which judgments have not become final.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. No action shall be brought in any of the courts of this Commonwealth to recover damages for alienation of affections.

2. All actions now pending in any court of this Commonwealth in which damages are sought for alienation of affections and in which final judgments have not been rendered shall, upon motion of the defendant, be dismissed.

3. A final judgment as used herein means a judgment which can not be set aside by the court in which it was rendered or by the Court of Appeals of Kentucky.

By Senator McCann.

S. B. No. 161. AN ACT making provisions for a state bonus for war veterans; including provisions for the raising of funds

with which to pay such bonus by means of a plan involving an annual drawing for prizes based upon the running and order of finish of the Kentucky Derby, by the holders of tickets or certificates upon the distribution of which a tax shall be levied; proposing an amendment to the Constitution to permit such plan, or a similar plan, to be executed; authorizing the issuance of revenue bonds or warrants against anticipated receipts or revenues from such plan; and providing for the disposition of any receipts or revenues received in excess of the bonus requirements.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by the enactment of a new section of the Constitution, to read as follows:

The General Assembly, through a state agency which it may establish for the purpose, may provide for the distribution, by sale or gift, of tickets or certificates entitling the holder thereof to participate in a drawing for prizes, in cash or otherwise, based upon the running and order of finish of the Kentucky Derby each year. The General Assembly shall further have authority to levy an excise tax upon the distribution, by sale or gift, of such tickets or certificates. The General Assembly shall further have authority to provide for the payment of such prizes out of the proceeds of the sale of such tickets or certificates, or out of the revenue from the excise tax levied upon the distribution thereof. Such excess proceeds or revenues as may be received, over and above the amount of such prizes, shall be used first for the payment of a bonus to Kentucky war veterans, in such amount and under such terms and conditions as the General Assembly may provide. After the payment of such bonus, the excess proceeds or revenues shall thereafter be appropriated for public education, health, welfare, and old age assistance, in such proportions as the General Assembly may provide. For the purpose of

early payment of such bonus, the General Assembly may authorize the issuance of warrants or revenue bonds payable out of and secured by the future proceeds of revenues arising from the distribution of the tickets or certificates above referred to.

Section 2. The above amendment shall be submitted to the voters at the time and in the manner provided for under Sections 256 and 257 of the Constitution and Section 118.430 of the Kentucky Revised Statutes. The question shall be stated on the ballots as follows: "Are you in favor of amending the Constitution so as to enable the General Assembly to provide funds for the payment of a bonus to Kentucky War Veterans, and thereafter for public education, health, welfare, and old age assistance, through a plan involving public participation in an annual drawing for prizes based upon the running and order of finish of the Kentucky Derby?"

Section 3. If the amendment to the Constitution proposed by Section 1 of this Act shall be approved by the voters, in accordance with Section 256 of the Constitution, then as of December 1, 1953, there shall be created and established a Kentucky Derby Sweepstakes Commission, to consist of five members appointed by the Governor. Such members shall be appointed for terms of four years, and until their successors are appointed and have qualified, except that upon the first appointment one member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and two for terms of four years. The members of the commission shall annually select from their number a chairman, who shall serve for a term of one year. Each member of the commission shall receive an annual salary of $4500, and his actual and necessary traveling expenses.

Section 4. The Kentucky Derby Sweepstakes Commission shall have authority to employ such personnel as it deems necessary for the performance of its functions, and to make contracts with agents or distributors, in this state or elsewhere, to assist in carrying out its functions.

Section 5. The Kentucky Derby Sweepstakes Commission shall formulate, prepare and execute plans for an annual drawing for prizes, in cash or otherwise, based upon the running and order of finish of the Kentucky Derby, in which drawing the holders of tickets or certificates issued by the commission may participate. The Commission shall arrange and provide for the distribution of tickets or certificates, throughout this state or elsewhere, to all persons who may desire the same. The tickets or certificates shall be distributed free of charge, by gift, and no purchase price shall be charged or collected for the same.

Section 6. There is hereby levied, upon the distribution by gift of the tickets or certificates referred to in this Act, a state tax of one dollar for each ticket or certificate. The tax shall be paid by othe person to whom the ticket or certificate is distributed, and shall be collected by the employe or agent of the Kentucky Derby Sweepstakes Commission who makes the distribution. Any employe or agent who distributes such tickets or certificates shall be required by the commission to give bond to the Commonwealth, in an amount and with sureties satisfactory to the commission, conditioned upon collection and prompt payment to the commission of the tax on all tickets or certificates distributed by him, and upon return, within a time fixed by the commission, of all tickets or certificates received by him for distribution and not distributed. The commission may, by contract with any employe or agent other than a salaried employe, allow the employe or agent a commission of not more than ten percent of the amount of taxes collected by him, to cover expenses and services incident to the collection, reporting and remitting of the taxes.

Section 7. The revenue received from the tax imposed by Section 6 of this Act shall be paid into the State Treasury and credited to a special fund, to be known as the Kentucky Derby Sweepstakes Fund. There shall be advanced to this fund, during the fiscal year 1952-1953, out of the General Expenditure Fund, the sum of $100,000 to meet preliminary expenses of the Kentucky Derby Sweepstakes Commission in commencing the performance of its duties

and in providing for the first drawing. As soon as there shall be paid into the Kentucky Derby Sweepstakes Fund, out of the revenues from the tax imposed by Section 6 of this Act, the sum of $200,000 over and above the amount of prizes to be awarded at the first annual drawing, the sum so advanced out of the General Expenditure Fund shall be repaid to that fund out of the sweepstakes fund. The Kentucky Derby Sweepstakes Fund shall constitute a continuing fund, and no portion of it shall lapse to the General Expenditure Fund at the end of any fiscal year. There shall be deemed to be appropriated out of such fund, each year, such sums as are necessary for the ordinary recurring expenses of operation of the Kentucky Derby Sweepstakes Commission, and for the prizes determined by the Commission to be awarded at the annual drawing.

Section 8. After the repayment of the advancement out of the General Expenditure Fund referred to in Section 7 of this Act, all sums that shall be accumulated in the Kentucky Sweepstakes Fund, over and above the operating expense requirements of the Kentucky Derby Sweepstakes Commission for the ensuing fiscal year shall be transferred by the State Treasurer out of the Kentucky Derby Sweepstakes Fund and placed to the credit of another fund in the State Treasury to be known as the Veterans' Bonus Fund, out of which veterans' bonuses shall be paid in accordance with the following provisions of this Act.

Section 9. Every person who was engaged in any branch of the military or naval service of the United States, prescribed and classified by the United States War Department or United States Navy Department as a part of such service, during the period of actual hostilities during World War I or World War II, who, at the time of entering such service, was a legal resident of Kentucky, and who:

(a) Is still in such service on the effective date of this Act, or

(b) Having been discharged from such service prior to the effective date of this Act under any conditions other than dishonorable, has continued to be a legal resident of

Kentucky for not less than one year, shall be entitled to receive a bonus payment of $600 out of the Veterans' Bonus Fund in consideration and recognition of the public services performed by such persons. The payments shall be made on July 1, 1955, or as soon thereafter as is possible, subject to the provisions of Section 13 of this Act.

Section 10. Administration of the bonus payments is vested in the Department of Military Affairs. Claims for payments shall be made to the department upon forms prescribed and furnished by the department. Each claimant shall be required to present satisfactory proof as to his eligibility for the bonus payment, in accordance with standards and regulations which the department shall prescribe as to the nature of proof of eligibility to be required.

Section 11. No claim for a bonus payment shall be recognized or allowed unless the claim is made to the Department of Military Affairs on or before June 30, 1955. Every claimant shall be required to designate, upon his application form, a beneficiary who will be entitled to receive payment in the event the claimant shall die before any or all of his bonus has been paid to him.

Section 12. In order to make early payment of the bonuses provided for in this Act, and for that purpose to supplement the initial sums credited to the Veterans' Bonus Fund as provided in Section 8 of this Act, the Department of Military Affairs shall have authority to issue revenue bonds, payable solely out of anticipated future accumulations to the Veterans' Bonus Fund by transfer from the Kentucky Derby Sweepstakes Fund, as provided in Section 8 of this Act. Such bonds shall be issued in accordance with the provisions of Chapter 58 of the Kentucky Revised Statutes. They shall not constitute an indebtedness of the Commonwealth of Kentucky, and it shall be so stated on the face of each bond. If such bonds are issued, the interest and principal payments required to retire the bonds shall constitute a prior obligation against future accumulations to the Veterans' Bonus Fund, and only such portion of the accumulations as shall be in excess of the bond retirement requirements shall be available for direct bonus payments.

The proceeds received from the issuance of the bonds shall be credited to a special account within the Veterans' Bonus Fund in the State Treasury, and shall be available to the Department of Military Affairs for bonus payments, and for administrative expenses in connection therewith.

Section 13. In the event sufficient funds are not available, through accumulations in the Veterans' Bonus Fund or through the issuance of revenue bonds, or both, to make immediate payment in full to all eligible bonus recipients, payments shall be made in installments of $100 or any multiple thereof, as funds become available sufficient to do so.

Section 14. There shall be deemed to be appropriated to the Department of Military Affairs, out of the Veterans' Bonus Fund, such sums as are necessary for the performance of the duties imposed upon the department by this Act.

Section 15. After sufficient sums have been transferred from the Kentucky Derby Sweepstakes Fund to meet all of the requirements of this Act with respect to the payment of bonuses including the retirement of any revenue bonds issued under Section 12 of this Act, any balance, remaining in the sweepstakes fund, and all future accumulations to that fund, shall remain to the credit of that fund, subject to appropriation by the General Assembly for public education, health, welfare, and old age assistance, in such proportions and amounts as the General Assembly may provide.

Section 16. None of the provisions of Sections 3 to 15 of this Act shall become operative unless the amendment to the Constitution proposed by Section 1 of this Act shall be approved by the voters in accordance with Section 256 of the Constitution.

Ordered that said resolution and bills be printed and referred.

HOUSE MESSAGE

A message was received from the House of Representatives

announcing that they had passed bills and resolutions which originated in that body of the following titles, viz:

H. B. No. 104. AN ACT relating to juries in police courts in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to be numbered 29.135 and to read as follows:

In any county containing a city of the second class, the circuit judge, or where the court has divisions, the judge of the common-law and equity division, shall, at the same time that he draws the names of circuit court jurors pursuant to KRS 29.130, draw sufficient additional names to procure a list of twenty-four names of persons resident within the city. This list of twenty-four names shall be certified by the judge who drew them, sealed in an envelope and delivered forthwith to the judge of the police court.

Section 2. Subsection (2) of Section 26.400 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class, the police court may use a jury in any case, and where the penalty may be a fine of twenty-five dollars or more or imprisonment, other than in commutation of a fine, the accused may, at or before the time the case is called for trial, demand a jury. The judge shall direct any police officer to summons from the list of jurors provided pursuant to KRS 29.135, and at least three days before they are required to appear, such number of jurors as the judge shall designate. If necessary to provide time to summons jurors the judge shall continue the case. The court shall have the same power of circuit courts to hold or excuse the attendance of jurors. If the court is unable to obtain a jury from the regular jury panel, the judge may order any police officer to summon sufficient bystanders to complete the jury. Police court jurors shall receive the sum of Three ($3.00) dollars per day.

H. B. No. 150. AN ACT concerning the definition of "Filled Milk."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 217.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Filled Milk" as used in KRS 217.270 means any milk, cream or skimmed milk, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, except the fat or oil of contained eggs and nuts and the fat or oil of substances used for flavoring purposes only, so that the resulting product is an imitation or semblance of milk, cream, skimmed milk, ice cream mix, ice cream, or frozen desserts, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, whether in bulk or in containers, hermetically sealed or unsealed.

H. B. No. 153. AN ACT relating to the establishment of a new city in Campbell County, Kentucky, to embrace certain existing cities and unincorporated territory adjacent thereto, and including provisions concerning an independent district to be embraced within such new city.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the purpose of this Act to authorize the creation of a new city, which shall come into existence on January 1, 1954, and which shall embrace the following territory in Campbell County:

(1) The cities of Newport, Bellevue, Dayton, Fort Thomas, Southgate, Wilder and Woodlawn, and

(2) All unincorporated territory lying within a rectangular boundary consisting of the Ohio River on the north, the Licking River on the west, a true east and west line touching the southernmost point of the boundary of the southernmost one of such cities on the south, and a true north and south line touching the

easternmost point of the boundary of the easternmost one of such cities on the east.

Section 2. For the purposes of this Act, the unincorporated territory lying within the boundary of the proposed new city shall constitute a single separate voting unit and, together with the seven cities enumerated in Section 1, shall comprise the eight voting units which shall vote on the propositions set out in Section 3.

Section 3. At the general election in 1952 the voters of the territory to be embraced in the proposed new city shall vote on the proposition of creating such a city, and on the same ballot shall indicate their preference of a name and type of government for the new city in the event that it is created. The Clerk of Campbell County shall cause a separate ballot to be prepared for the purposes of this section and shall cause to be printed on such ballot the following three propositions:

(1) "Are you in favor of consolidating into a single new city, effective January 1, 1954, the following territory in Campbell County: (a) The cities of Newport, Bellevue, Dayton, Fort Thomas, Southgate, Wilder and Woodlawn, and (b) All unincorporated territory lying within a rectangular boundary consisting of the Ohio River on the north, the Licking River on the west, a true east and west line touching the southernmost part of the boundary of the southernmost one of such cities on the south, and a true north and south line touching the easternmost point of the boundary of the easternmost one of such cities on the east?" with proper squares in which the voter may indicate "Yes" or "No."

(2) A question, in appropriate form, enabling the voter to indicate whether the new city, in the event that it is created, shall operate under the commission or the city manager form of government.

(3) A question, in appropriate form, enabling the voter to indicate his choice of a name for the new city, in the event that it is created, from the names recommended pursuant to section 4.

The clerk of Campbell County shall also cause to be placed on the ballot an appropriately placed statement that proposi-

tions (2) and (3) are to be voted on regardless of how the voter voted on proposition (1).

Section 4. Not later than one hundred and twenty days prior to the general election in 1952 the legislative body of each of the cities enumerated in section 1 shall appoint a representative, and the representatives so appointed shall constitute a committee for the purpose of selecting proposed names for the proposed new city. Not later than sixty days prior to the general election the Clerk of Campbell County shall, by sending notice to the legislative body, of each of the cities, call a meeting of the committee at which time not less than two nor more than three proposed names shall be selected. A report thereof shall be filed with the County Court of Campbell County within fifteen days after the meeting, and shall be entered upon the records of the court.

Section 5. If a majority of the voters voting on proposition (1) in each of at least four of the eight voting units vote "Yes," and if a majority of the voters voting on proposition (1) in the entire territory to be embraced within the proposed new city vote "Yes," the new city is thereby created. The new city shall officially come into existence on January 1, 1954, and shall constitute a city of the second class. It shall be governed under the form of government approved by a majority of the voters voting on proposition (2), and shall bear the name receiving the greatest number of votes cast on proposition (3).

Section 6. The provisions of sections 7 through 13 are applicable only if the new city is created.

Section 7. At the general election in 1953 officers for the new city shall be elected from among candidates nominated in a primary election. The then existing primary and general election laws relating to second class cities operating under the commission form of government or the city manager form of government, whichever form is chosen for the new city, shall be applicable, except that if the city manager form is chosen, the newspaper publications required by KRS 89.440 shall be made in the newspaper having the largest bona fide circulation in the territory embraced within the new city. The expenses of the primary election, and such expenses of the general election as by statute

are chargeable to a city, shall be prorated among the cities enumerated in section 1, and the fiscal court of Campbell County, in the ratio that the population of such cities, and the population of the unincorporated territory embraced within the new city, bears to the entire population of the new city. No primary or general election for city officers of the cities enumerated in section 1 shall be held in 1953.

Section 8. The terms of any city officers of the cities enumerated in section 1 which normally would not expire until sometime after January 1, 1954, shall expire on the first day of January, 1954, and the terms of the officers for the new city shall commence on that day.

Section 9. (1) On January 1, 1954, the new city shall take over all the public moneys belonging to all the cities enumerated in section 1. These moneys shall be used by the new city to carry on the usual municipal functions, except, that any part of the moneys held by the several cities which has been budgeted for use in paying on any outstanding indebtedness of any of the cities shall not be used for any other purpose.

(2) The territory embraced within each of the cities enumerated in section 1 shall continue to constitute a separate taxing district for the purpose of paying any outstanding indebtedness of the original city, and the separate indebtedness of each city shall constitute a first lien on the property within such territory. The legislative body of the new city shall fix the tax rate for each of the separate taxing districts, and provide for the assessment of property and the collection of the taxes in the same manner as for regular city taxes. The money collected as taxes for each of the separate taxing districts, as distinguished from the regular city taxes collected from the entire territory embraced within the new city, shall be kept separate and apart and shall be used only in payment of the debts of the respective former cities.

Section 10. All territory embraced within the new city shall constitute a single independent school district. At the regular election in 1953, members of the board of education for the district shall be elected within the territory to be embraced within the new city, as provided by law. Two of the members

shall serve for a term of only one year and the other three members shall serve for a term of only three years. Upon taking office, the members shall determine by lot which two members shall serve for terms of only one year. The terms of all school board members in the present independent school districts in the territory embraced within the new city which normally would not expire until sometime after January 1, 1954, shall expire on that date and the terms of the members elected for the new independent district shall commence on that day. The independent school district embraced within the new city shall take over all the assets and legal liabilities of the former separate independent school districts, and shall take over all school property within the new city that formerly was operated by the county school district, and shall assume a proportionate part of the legal liabilities of the county school district. Any tax levies authorized for the payment of interest and retirement of bonds or the provision for sinking funds for such purposes shall continue to be levied and collected over the same respective areas by the new board of education in accordance with the laws under which the levies originally were made until all bonded obligations of the old district or districts have been retired.

Section 11. Any boards, commissions or similar agencies of any of the cities enumerated in section 1, shall, as of January 1, 1954, be abolished; appropriate boards, commissions or agencies of the same or a similar character, authorized by law for cities of the second class, shall be established by the legislative body of the new city in lieu thereof, and all funds and properties of the abolished boards, commissions or agencies shall be transferred to the appropriate new board, commission or agency.

Section 12. All records, supplies, equipment and property of every character of the cities enumerated in Section 1, shall be turned over to the proper officials of the new city. Any city employes having civil service status in any of the cities enumerated in section 1 shall be entitled to continue in the service of the new city in similar status, under an appropriate civil service ordinance to be enacted by the new city. Any pension funds for city employes maintained by any of the cities enumerated in section 1 shall be kept separate and apart by the new city, fo rthe benefit of the employes having an interest therein.

Section 13. In order that the legislative body of the new city may initiate, on a specific date, an integrated, over-all governmental program, it is authorized to make such temporary adjustments as are necessary to reconcile the varying taxing procedures and other governmental activities of the individual political units which were incorporated into the new city. Such adjustments may include the levy and collection of taxes for periods of less than a year in certain of the former political units, and other similar action.

H. B. No. 157. AN ACT relating to children, and their care, custody, treatment and disposition; including provisions as to juvenile courts and as to the jurisdiction and powers of other courts concerning children, and provisions for establishment of agencies and facilities of the state for the administration of state functions regarding children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context otherwise requires:

(1) "Child" means any person who has not reached his eighteenth birthday.

(2) "Court" means the juvenile session of the county court.

(3) "Youth Authority" means the agency of this state so named.

Sec. 2. (1) Except as otherwise provided in this Act, the county court of each county shall have exclusive jurisdiction in proceedings concerning any child living or found within the county:

(a) Who is neglected as to proper or necessary support or education as required by law, or as to medical, psychiatric, psychological or other care necessary for his well-being, or who is abandoned by his parent or other custodian;

(b) Whose occupation, behavior, conditions, environment or associations are such as to injure his welfare or that of others;

(c) Who is beyond the control of his parent or other custodian; or

(d) Who is alleged to have violated or attempted to violate any federal or state law, or municipal ordinance, regardless of where the violation occurred.

(2) Any person who is alleged to have violated or attempted to violate any federal or state law, or municipal ordinance, prior to having reached his eighteenth birthday shall, if proceedings concerning him are instituted prior to his twentieth birthday, be dealt with as provided in this Act for a child.

(3) Nothing in this Act shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this Act affect the jurisdiction of circuit courts over adoptions and over proceedings for termination of parental rights.

Sec. 3. The county court in the trial and disposition of proceedings concerning children, excepting guardianship proceedings and inquests concerning sanity, shall be called the "juvenile court." A special record book shall be kept by the court for all such cases, to be known as the "juvenile record," and the docket or calendar of such cases shall be called the "juvenile docket."

Sec. 4. (1) The clerk of each county court shall be clerk of the juvenile session of the county court. He shall attend all sessions of the court and shall keep a complete and indexed record of its proceedings. For his services the fiscal court shall make him a reasonable annual allowance to be paid out of the county treasury.

(2) In counties having a city of the first or second class, the juvenile court may appoint a stenographer who shall take down in shorthand such evidence offered in the proceedings as the court deems necessary. The stenographer shall make a transcript of the substance of the evidence taken down, and file it with the papers of the proceeding. The stenographer shall perform such other duties as are assigned to him by the county

judge and shall receive a salary to be fixed by the fiscal court.

(3) In counties other than those having a city of the first or second class, the juvenile court may, in such individual cases as the court deems advisable, employ a stenographer to take and transcribe testimony. For these services the stenographer shall receive a reasonable fee to be fixed by the court and paid out of the county treasury.

Sec. 5. In counties containing a city of the first or second class, a special courtroom for the juvenile court, and suitable quarters for personnel attached to the court, shall be provided by the fiscal court. The courtroom and quarters may be either in the county courthouse or in some other building.

Sec. 6. All cases involving children shall be dealt with by the juvenile court at separate hearings and without a jury. The hearings shall be conducted in an informal manner, and may be adjourned from time to time. The general public shall be excluded and only such persons admitted as the judge shall find to have a direct interest in the case or in the work of the court. The presence of the child in court may be waived by the court at any stage of the proceedings.

Sec. 7. (1) Whenever any person informs the juvenile court that a child is within the purview of section 2 of this Act, the court shall make a preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Thereupon the court may make such informal adjustment as is practicable without a petition, or a petition for proceedings concerning the child may be filed by any person. The petition and all subsequent court documents shall be entitled: "In the interest of————, a child."

(2) The petition shall be verified and may be upon information and belief. It shall set forth plainly:

(a) The facts which bring the child within the purview of section 2 of this Act.

(b) The name, age and residence of the child.

(c) The name and residence of each parent.

(d) If the child has a legal guardian other than a parent, the name and residence of such guardian.

(e) If no parent or guardian is known or can be found, the name and residence of the nearest known adult relative of the child.

(f) If the child is in the custody or control of a person other than the parent, guardian or nearest adult relative, the name and residence of such person.

(3) If any of the facts required to be stated in the petition are not known by the petitioner, the petition shall so state.

Sec. 8. (1) After a petition has been filed and after such further investigation as the court may direct, unless the parties appear voluntarily, the court shall issue a summons briefly reciting the substance of the petition and requiring the person who has the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned is other than a parent or guardian of the child, the parent or guardian or both shall also be notified of the pendency of the proceeding and of the time and place appointed. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

(2) If it appears to the court, at the time the summons is issued, that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge may order, by endorsement on the summons, that the officer serving the summons shall at once take the child into custody. In such cases, the child shall be placed in the detention facility provided for under section 13 of this Act, and held therein pending further disposition by the court.

Sec. 9. (1) The summons and notice provided for in section 8 of this Act shall be served personally by the delivery of a copy thereof to the person summoned, unless the judge is satisfied that personal service would be impracticable, in which event the judge may order service by mail addressed to the last-known address, or by publication, or both. Service by mail shall be deemed to be effected upon mailing, and service by publication shall be deemed to be effected upon publication. It shall be sufficient to confer jurisdiction if service is effected at least 48

hours before the time for appearance specified in the summons or notice.

(2) Service of summons or notice may be made by any suitable person under the direction of the court, and upon request of the court shall be made by any peace officer.

Sec. 10. Any person summoned who, without reasonable cause, fails to appear, may be proceeded against for contempt of court. In case the summons cannot be served, or the parties served fail to appear, or in any case when it appears to the judge that the service will be ineffectual, or that the welfare of the child requires that he be brought forthwith into the custody of the court, a warrant may be issued for the parent, guardian, person having custody and control, or the child.

Sec. 11. (1) The law relating to the persons by whom and the circumstances under which a person may be arrested for a public offense shall be applicable to children, but the taking of a child into custody under such law shall not be termed an arrest, and a child after having been so taken into custody shall be dealt with as provided in this Act. The law relating to bail shall not be applicable to children detained in accordance with this Act.

(2) When a child is taken into custody by a person other than a peace officer, on a charge of committing a public offense, such person shall as soon as possible place the child in the custody of a peace officer.

(3) When a peace officer has taken or received a child into custody on a charge of committing a public offense, the officer shall notify the parent, guardian or custodian of the child as soon as possible. Unless the nature of the offense or other circumstances are such as to indicate the necessity of keeping the child in secure custody, or unless other directions have been given by the court, the officer shall release the child to the custody of his parent or other responsible adult upon the written promise, signed by such person, to bring the child to the court at a stated time or at such time as the court may direct. The written promise, accompanied by a written report by the officer, shall be submitted to the court forthwith. If the person fails to

produce the child as agreed or upon notice from the court, a warrant may be issued for the apprehension of the person or of the child, or both.

(4) If the child is not released as provided in subsection (3) of this section, the child shall be taken without delay to the court or to the detention facility provided for under section 13 of this Act. If taken to the detention facility, the officer shall as soon as possible thereafter make a written report to the court, stating the fact of such detention, the offense charged, and the reason why the child was not released to the parent. Pending further disposition of the case, the court may release the child to the custody of the parent or other responsible person or may continue to hold the child in detention, subject to further order, but no child shall be held in detention longer than two days, excluding Sundays and holidays, except pursuant to a written order signed by the judge.

(5) Unless the child has been released to the custody of his parent, guardian or custodian in accordance with subsection (3) or (4) of this section, the parent, guardian or custodian shall be notified as provided in sections 8 and 9 of this Act, of the time and place set for holding a hearing concerning the child.

Sec. 12. No child under 16 shall at any time be detained in any police station, lockup, jail or prison, except that, on the basis of a hearing for that purpose, by the juvenile court judge, a child whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facility for children, may be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adult prisoners.

Sec. 13. (1) The fiscal court of each county shall provide for a suitable facility or facilities for the detention of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof.

(2) In counties containing a city of the first or second class, the fiscal court shall maintain a permanent detention home, either through arrangement with another public agency or with

a private organization or agency, or by acquiring and operating the home as a county institution.

(3) In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.

(4) The Kentucky Children's Bureau may assist the counties in the acquisition, development and furnishing of detention facilities, and may employ available funds for that purpose. All detention facilities shall be subject to supervision by the Kentucky Children's Bureau and its designated representatives, and shall conform to rules and regulations prescribed by the bureau.

(5 Each detention facility shall be conducted under the jurisdiction of the juvenile court for which it is maintained, and each child detained in such facility shall be deemed to be under the jurisdiction of the court.

Sec. 14. (1) Before making disposition of the case of a child brought before the juvenile court, whether by petition pursuant to section 7 of this Act or by reason of having been taken into custody pursuant to Section 11 of this Act, the judge shall cause an investigation to be made, concerning the nature of the specific act complained of, and any circumstances surrounding the child which throw light on the future care and guidance which should be given the child. The investigation shall include an inquiry into the child's age, habits, school record, general reputation and everything that may pertain to his life and character. The investigation shall also include an inquiry into the home conditions, life and character of the person having custody of the child. The result of the investigation shall be reported in writing to the judge previous to the final hearing of the child's case, and shall become a part of the record of the proceedings.

(2) The investigation shall be conducted by volunteer or salaried probation officers of the juvenile court or by a suitable public or private agency. The Kentucky Children's Bureau may furnish investigation services, under agreements with individual juvenile courts. For this purpose, any county judge may enter into a contract, on behalf of his county, with the

Kentucky Children's Bureau for the furnishing of such services.

Sec. 15. If an investigation indicates that a child before the juvenile court may be mentally ill or defective, the court may cause the child to be examined by a health officer or child guidance clinic, or any reputable physician who will conduct the examination without expense to the county. If such examination confirms mental illness or defect, further proceedings shall be had in accordance with the law governing inquests concerning sanity.

Sec. 16. When the health of any child before the juvenile court requires it, the court may order the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will provide treatment and care without charge to the county. In order to ascertain whether the child is in normal health, the court may cause the child to be examined by a health officer or children's clinic or any reputable physician who will conduct the examination without charge to the county.

Sec. 17. (1) If, during the course of any proceeding in the juvenile court, it appears that a child before the court has committed a felony, and at the time of commission of the offense the child was 16 years of age or older, or was less than 16 years of age but the offense was murder or rape, and the court is of the opinion that the best interests of the child and of the public require that the child be tried and disposed of under the regular law governing crimes, the court in its discretion may make an order transferring the case to the circuit court of the county in which the offense was committed.

(2) When the juvenile court so transfers a case to the circuit court:

(a) If a grand jury considers the case and is satisfied there is sufficient evidence to indict the child, it may either return an indictment or may return a written report to the circuit court recommending that the child be committed to the Youth Authority. If the court believes that such commitment would be proper, it may order the child committed to the Youth Authority.

(b) If, during any stage of the trial in the circuit court, the

child or his parent or guardian so requests, the judge in his discretion may stop the trial and commit the child to the Youth Authority.

(c) If neither of the procedures specified in paragraphs (a) and (b) are employed, the child shall be tried as any other defendant.

(d) While under the jurisdiction of the circuit court, the child shall be subject to bail the same as an adult.

(e) Any commitment to the Youth Authority under paragraph (a) or (b) of this subsection shall be for an indeterminate period not to exceed the age of 21.

Sec. 18. (1) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection (2) of section 17 of this Act, is convicted of a felony, and sentenced to imprisonment, he shall be committed to the penitentiary, except that in the case of a child who is under 20 years of age at the time of sentencing, the court in its discretion may commit the child to the Youth Authority. In such case, if the period of the sentence imposed by the verdict would expire before the child reaches 21 years of age, the commitment to the Youth Authority shall be for an indeterminate period not to exceed the age of 21. If the period of the sentence imposed by the verdict would extend beyond the age of 21, the commitment shall be to the Youth Authority until the age of 21, and thereafter to the penitentiary. In the latter case, if the child is out on parole at the time he becomes 21, he shall continue to be subject to the parole supervision of the Youth Authority; however, if the parole is revoked he shall be returned to the penitentiary and shall thereafter be dealt with the same as an adult sentenced to the penitentiary.

(2) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection (2) of section 17 of this Act, is convicted of a misdemeanor, and sentenced to imprisonment, he shall be committed to the county jail, except that in the case of a child who is under 20 years of age at the time of sentencing, the court in its discretion may commit the child to the Youth Authority, for an indeterminate period not to exceed the age of 21 years.

Sec. 19. When a child before the juvenile court, whether by petition pursuant to section 7 of this Act or by reason of having been taken into custody pursuant to section 11 of this Act, is found by the court to come within the purview of section 2 of this Act, the court shall so decree and in its decree shall make a finding of the facts upon which the court exercises its jurisdiction over the child. If the court finds that the child does not come within the purview of section 2 of this Act, the child shall be discharged and the proceedings dismissed.

Sec. 20. (1) If in its decree the juvenile court finds that the child has committed a public offense, the court may, by order:

(a) Place the child on probation or under supervision in his own home or in a suitable family home or boarding home, upon such conditions as the court shall determine. Probation shall not be ordered or administered as a punishment, but as a measure for the protection, guidance and well-being of the child and his family. A child so placed on probation shall be subject to the visitation and supervision of a probation officer or child welfare worker. Probation methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community. A child so placed on probation shall remain subject to the jurisdiction of the juvenile court until he becomes 21 years of age, unless he is discharged prior thereto by the court.

(b) Commit the child to the custody or guardianship of a private or public institution or agency authorized to care for children, or under the guardianship of a suitable person. Such commitment shall be until the age of 21, subject to the power of the court to discharge the child prior thereto. In committing a child to a private institution or agency the court shall select one that is approved by the Kentucky Children's Bureau and children committed to such an institution or agency shall be subject to the visitation and supervision of a probation officer or child welfare worker.

(c) Commit the child to the Youth Authority. Such com-

mitment shall be for an indeterminate period not to exceed the age of 21.

(2) If a child is disposed of as provided in paragraph (a) or (b) of subsection (1) of this section, the court may modify or set aside its order at any time, and direct that the child be otherwise disposed of in accordance with this Act.

(3) No adjudication by a juvenile court of the status of any child shall be deemed a conviction, nor shall such adjudication operate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

Sec. 21. If in its decree the juvenile court finds that the child comes within the purview of section 2 of this Act, but has not committed a public offense, the court may dispose of the child as provided in section 20 of this Act, except that the court may not commit the child to the Youth Authority unless the Youth Authority has indicated to the court that it has facilities available to care for the child and is willing to accept the commitment.

Sec. 22. The Kentucky Children's Bureau shall assist the juvenile courts in the placing of children in family homes or boarding homes, and, under agreements with the individual juvenile courts, may assume responsibility for making such placements. Counties may pay or contribute towards the expenses of maintaining children in family homes or boarding homes and, to the extent authorized by the fiscal court, the Kentucky Children's Bureau may incur obligations chargeable to the county for such expenses.

Sec. 23. In support of any order or decree, the juvenile court may require the parents or other person having custody of a child, or any other person who has been found by the court to be encouraging, causing or contributing to the acts or conditions which bring the child within the purview of section 2 of this Act, to do any acts required by law or to desist from doing any acts forbidden by law, when the court deems such requirement necessary for the welfare of the child. In case of failure to comply with such requirement, the court may proceed against such persons for contempt of court.

Sec. 24. In adjudging a child to be within the purview of section 2 of this Act by reason of having committed a public offense, the court may require the child to make restitution or reparation to any injured person to such extent, in such sum and upon such conditions as the court determines.

Sec. 25. In placing a child on probation in a family home or boarding home, or in committing a child to a private institution or agency, the court shall as far as practicable select a home, institution or agency operated or governed by persons of the same religious faith as the parents of the child.

Sec. 26. (1) No female child shall be transported to any institution, pursuant to order of any court or direction of the Youth Authority, unless accompanied by a female attendant, or, when authorized in writing by the court or authority, by a parent, grandparent, or adult brother or sister. Any such relative shall not be reimbursed out of public funds for travel or other expenses incurred in so accompanying the child.

(2) The agent of any institution who receives a female transported to the institution shall report any violation of subsection (1) of this section to the Commonwealth's Attorney of the judicial district in which the institution is located.

Sec. 27. Whenever any court commits a child to the Youth Authority or whenever a juvenile court commits a child to any institution or agency, the court shall cause to be transmitted to the Authority, institution or agency a certified copy of the commitment order, together with a summary of the court's information concerning the child. The child shall be held by virtue of the order, and the certified copy of the order shall be proof of the authority of the Youth Authority, institution or agency in behalf of the child.

Sec. 28. If it appears that the parent of any child who has been placed on probation in a family home or boarding home, or has been committed to the Youth Authority or to an institution or agency, is able to contribute to the support of the child, the court shall enter an order requiring the parent to pay a reasonable sum from time to time for the support, maintenance or education of the child. The order shall direct that the money

be paid to the county clerk to be disbursed as ordered by the court or be paid to the person, institution, agency or Youth Authority to which the child was committed or probated. On application and on such notice as the court may direct, the court may make alterations in the requirement for contribution. The court may require the parent to give security for payment of the sums due, and shall have the powers of a court of equity in enforcing its orders.

Sec. 29. On or before March 1 of each year, each county clerk shall submit to the Kentucky Children's Bureau a written report showing the number and disposition of children brought before the juvenile court during the preceding calendar year, together with such information concerning the cases as the bureau shall prescribe. The report shall be upon blanks prescribed and furnished by the bureau.

Sec. 30. The person in charge of any home to which a child is probated, and the governing authority of any private institution or agency to which a child is committed, shall make such reports to the juvenile court as the court may require, and such reports to the Kentucky Children's Bureau as the bureau may require, concerning the child and the actions of the home, institution or agency in behalf of the child. The Kentucky Children's Bureau shall have power to make such visitations and inspections of the homes, institutions and agencies as it deems necessary.

Sec. 31. (1) The county judge of each county may appoint a board of not less than six nor more than ten reputable inhabitants to be called the advisory board of the juvenile court. The members of the board shall hold office during the pleasure of the judge, and shall serve without compensation.

(2) The board shall visit at least once a year all institutions in the county receiving children under this Act, and may visit any family home or boarding home in the county receiving children under this Act. At least two of the members of the board shall go together on the visits, and shall make a report to the board. The board shall report to the juvenile court from time to time the condition of the children in the institutions or homes and shall make an annual report to the juvenile court.

(3) The board shall advise and cooperate with the county judge upon all matters affecting the workings of this Act, and shall recommend to the court any needful measures for the purpose of carrying out the provisions of the Act. The appointment and utilization of such advisory boards by each county judge is recommended by the General Assembly as a matter of public policy.

Sec. 32. (1) In counties containing a city of the first or second class, the county judge may appoint a chief probation officer of the juvenile court and such number of assistant probation officers as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge. The officers shall have the powers of a sheriff in making arrests.

(2) In any county, the county judge may appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers of the juvenile court. Such officers shall serve during the pleasure of the judge and without compensation, except that the fiscal court may authorize the payment of compensation out of the county treasury to any such officers. Field Workers of the Kentucky Children's Bureau may be appointed or designated as such volunteer probation officers, but without compensation from county funds.

Sec. 33. Probation officers of the juvenile court shall:

(1) Make investigations as provided in section 14 of this Act.

(2) Be present in court to represent the interest of the child when the cases investigated by them are heard; furnish such information as may be required; advise with the court as to the proper disposition of the case; and take such charge of the child before and after the hearing as may be ordered.

(3) Visit and supervise children placed on probation, and as far as practicable, aid and encourage such children, by friendly

advice and admonition, to keep the terms of their probation, and provide for their rehabilitation.

(4) Make such reports and records as may be required by the court.

(5) Supervise the transfer of children to and from homes or institutions, as directed by the court.

(6) Work in cooperation with the representatives of the Kentucky Children's Bureau.

Sec. 34. (1) No probation officer shall, without the consent of the county judge, divulge or communicate to any person other than the court, a member of the advisory board of the court, or a representative of the Kentucky Children's Bureau, any information obtained pursuant to the discharge of his duties, nor shall any record of the actions of the probation officer be made public except by leave of the county judge.

(2) This section shall relieve the probation officer from divulging such facts as a witness on the trial of any case, or the hearing of any proceeding, or the production of such records for use in any trial or proceeding.

Sec. 35. Unless the child is proceeded against in accordance with the law governing crimes as provided in paragraph (c) of subsection (2) of section 17 of this Act, the disposition of any child under the provisions of this Act, or any evidence given in the case, shall not be lawful evidence against the child for any purpose, except in subsequent cases involving the same child under this Act.

Sec. 36. For the purpose of paying salaries and expenses necessary to carry out the purposes of this Act, the fiscal court of any county may levy taxes and make appropriations, within constitutional limitations. The legislative body of any city also is authorized to appropriate funds to assist the county in carrying out the purposes of this Act, or to provide facilities for custody and care of children coming within the purview of this Act.

Sec. 37. In proceedings in the juvenile court, no court fees shall be charged against, and no witness fees shall be allowed to, any party to a petition. No public officer shall be

entitled to receive any fee for the service of process or for attendance in court in any such proceedings. All other persons acting under orders of the court may be paid, for service of process and attendance as witnesses, the fees provided by law for like services in civil cases in the circuit court, the payments to be made out of the county treasury.

Sec. 38. An appeal may be taken from the juvenile session of the county court as provided in section 362 of the Criminal Code of Practice.

Sec. 39. Any child placed on probation by a juvenile court, prior to the operative date of this Act, for a period of time extending beyond the operative date of this Act, shall for such period of time remain on probation and subject to the jurisdiction of the juvenile court in accordance with the provisions of this Act. Any proceeding pending in a juvenile court, or any criminal proceeding against a child pending in a circuit court, on the date this Act becomes operative, shall be carried to completion in accordance with the provisions of this Act.

Sec. 40. The Youth Authority shall be responsible for the operation, management and development of the existing state institutional facilities for the custodial care or reformation of children, including specifically the institutions now known as the Houses of Reform and the Kentucky Children's Home, but not including educational institutions or institutions designed primarily for the care or treatment of mentally or physically handicapped children. The Youth Authority shall further be responsible for the development of such additional institutional facilities and other specialized facilities, such as forestry camps, farms, or vocational training facilities, as are necessary to provide an adequate and modern program for the care, treatment and rehabilitation of children committed to the state under the juvenile court laws. The Youth Authority may select appropriate names by which the various institutions under its control shall be known.

Sec. 41. The Youth Authority shall arrange for a program of care, treatment and rehabilitation of the children committed to the Youth Authority, which program shall be designed to provide for classification, segregation and specialized treatment

of children according to their respective problems, needs and characteristics, and to provide a coordinated system of probation and parole services.

Sec. 42. The Youth Authority shall establish and operate a reception center for the observation, study and classification of children following their commitment to the Youth Authority. Children committed by reason of the commission of a public offense, and such other children committed to the Youth Authority as the Youth Authority believes will benefit therefrom, shall upon their commitment be placed in the reception center for a period of observation and study. The reception center shall be provided with adequate psychiatric, psychological, social service, and medical facilities. A case history for each child shall be prepared during his period of observation and study in the reception center. Upon the basis of study and observation in the reception center, the Youth Authority shall make a determination as to the character of treatment or disposition which should initially be provided for the child.

Sec. 43. (1) Any child committed to the Youth Authority may, by the Youth Authority, at any time during the period of his commitment, be:

(a) Discharged from commitment, unless he was committed by a circuit court upon a felony conviction and was given a sentence the period of which will extend beyond the age of 21.

(b) Placed on parole in the home of his parents, or in a suitable foster home, family home or boarding home, upon such conditions as the Youth Authority may prescribe and subject to visitation and supervision by a probation officer of the Youth Authority or a child welfare worker of the Division of Child Welfare.

(c) Placed in one of the institutions operated by the Youth Authority.

(d) Placed in a child-caring institution operated by a local governmental unit or by a private organization willing to receive the child, upon such conditions as the Youth Authority may prescribe.

(e) Disposed of as provided in section 46 or 47 of this Act.

(2) Unless the child has been discharged from commitment, any disposition of a child made under this section may at any time during the period of his commitment be changed and other disoposition made in accordance with the provisions of this section.

Sec. 44. The Kentucky Children's Bureau is authorized to expend available funds to provide for the board, lodging and care of children placed on probation by the Youth Authority in a family home or boarding home, or may arrange for payments or contributions by any local governmental unit, or public or private agency or organization, willing to make payments or contributions for such purpose. The Department of Welfare may accept, on behalf of the Kentucky Children's Bureau, any gift, devise or bequest made for any of the purposes of this Act.

Sec. 45. When any child committed to the Youth Authority requires medical or surgical care or treatment, the Youth Authority may provide the same or arrange for the furnishing thereof by other public or private agencies. For this purpose, the services and facilities of local health officers and departments shall be made available to the Youth Authority, and as far as practicable any publicly-owned hospital shall provide hospitalization without charge for any such child who is a resident of the political subdivision by which the hospital is owned or operated.

Sec. 46. If it appears that a child committed to the Youth Authority is mentally ill or defective, the Youth Authority may commit him, for a period of observation not to exceed 35 days, to a state mental hospital, or to the Kentucky Training Home, or to a public hospital having a psycopathic ward or facilities suitable for the observation of mental conditions. If it appears from such observation that the child requires treatment or hospitalization for mental illness or defect, the Youth Authority shall cause proceedings to be instituted under the statutes governing inquests concerning mental condition, and if the child is committed to a mental hospital or to the Kentucky Training Home he shall automatically be discharged from his commitment to the Youth Authority.

Sec. 47. If it appears to the Youth Authority that a child

committed to it by reason of the commission of a public offense constituting a felony, is incapable of benefitting from treatment by the facilities of the Youth Authority, the child shall be returned by the Youth Authority to the circuit court of the county in which the offense was committed, for appropriate proceedings. If the child originally was committed to the Youth Authority by such circuit court, following a conviction of the felony upon a trial in the circuit court, the court shall commit the child to the state penitentiary for the duration of the sentence fixed by the verdict, allowing credit for such period of time as the child was in custody of the Youth Authority. Otherwise, the circuit court shall proceed the same as if the child was an adult under arrest on a felony charge, and in the event the child is convicted and sentenced on the felony charge, credit shall be allowed on the sentence for the period of time the child was in the custody of the Youth Authority.

Sec. 48. Any child committed to the House of Reform prior to the operative date of this Act shall be deemed to have been committed to the Youth Authority, and until such child reaches the age of 21 he may be disposed of by the Youth Authority as is provided in this Act. Any child committed to the Kentucky Children's Home or to the Division of Child Welfare prior to the operative date of this Act shall, for the duration of the period for which he was committed, be deemed to have been committed to the Youth Authority, and may be disposed of by the Youth Authority as provided in this Act.

Sec. 49. Any child under 16 years of age who, upon the operative date of this Act, is confined in the state reformatory or penitentiary under a sentence for a felony, may, by order of the Commissioner of Welfare, be transferred to the custody and jurisdiction of the Youth Authority, in which event the Youth Authority, for such period of the sentence as will not extend beyond the age of 21, shall exercise such powers and duties with respect to the child as it would exercise had the child been committed to the Youth Authority by a court.

Sec. 50. The Division of Probation and Parole of the Department of Welfare shall have no responsibility or authority with respect to children placed on parole by the Youth Authority,

except that the Division, upon request of the Youth Authority, shall continue to exercise parole supervision and authority over any child released on parole from the House of Reform prior to the operative date of this Act.

Sec. 51. Any child committed to the Youth Authority who is placed on parole by the Authority and who violates the terms or conditions of parole may be apprehended and returned to active custody of the Youth Authority by any probation officer of the Youth Authority or by any peace officer on direction of the Youth Authority.

Sec. 52. (1) The institutional facilities under the control of the Youth Authority shall be designed and operated in such a manner as to rehabilitate, train, develop and educate the children to become good citizens and useful members of society.

(2) Suitable programs of vocational education and training shall be carried on in the institutions, with the view of preparing the children for future self-support.

(3) The children in each institution shall be employed so far as practicable in labor incident to the maintenance and operation of the institution, and in suitable industries conducted by the institutions as a part of the vocational training program.

(4) The superintendent or managing officer of each institution may use, for the maintenance of the institution, the products of farms, dairies and other departments and industries of the institution, or may sell or exchange such products for the benefit of the institution.

Sec. 53. Children maintained in any of the institutional facilities operated by the Youth Authority shall so far as possible receive a common school education. The Youth Authority shall provide supplemental or special educational programs for those children requiring segregation, restraint or specialized treatment. The Department of Education, to the extent of available facilities, shall assist and cooperate with the Youth Authority in the educational programs for the institutions.

Sec. 54. Any peace officer who conveys a child from the committing court or from the detention facility of the committing court to an institution or facility operated by the Youth Authority

shall be allowed 10 cents per mile, calculated by the nearest traveled route, and shall be paid for all necessary expenses for feeding, lodging and transporting the child. The officer shall make out a full account of all expenses so incurred by him and give the distance traveled. The account shall be verified by the officer upon oath before the county court and certified by the county clerk to the Youth Authority, for payment out of funds appropriated for the purpose.

Sec. 55. Acquisition of lands and buildings for the Youth Authority shall be in accordance with the provisions of KRS 56.440 to 56.550.

Sec. 56. (1) There is hereby created an agency of the state government to be known as the Youth Authority, which shall consist of a director and a governing board, and such probation officers, institutional staffs and other personnel as are necessary for the performance of the duties of the agency.

(2) The director of the Youth Authority shall be appointed by the Commissioner of Welfare, with the prior written approval of the Governor, and shall serve at the pleasure of the Commissioner of Welfare. He shall receive a salary to be fixed by the Commissioner of Welfare in accordance with the statutes governing the fixing of salaries of state officers and employes. The director shall be selected on the basis of professional training, experience and demonstrated ability in the field of youth guidance and the treatment and rehabilitation of children committed to public care and custody.

(3) The governing board of the Youth Authority shall consist of the Commissioner of Welfare, ex officio, and five appointed members, who shall be appointed by the Governor for terms of four years and until their successors are appointed and have qualified, except that of the first members appointed, one shall be appointed for one year, one for two years, one for three years and two for four years. Vacancies shall be filled by appointment by the Governor for the unexpired term. Each appointed member shall receive a per diem of $25, and his actual and necessary traveling expenses, when engaged in official business of the board. The appointed members of the board shall be chosen from among persons having professional qualifications in such

fields as the social sciences, psychology, medicine, law, education and religion, and the appointments shall be so made as to provide a diversified representation of such fields. The board shall select its own chairman, from year to year.

Sec. 57. The director of the Youth Authority shall be the executive officer of the Youth Authority and shall be responsible for the administration of the functions of the Authority, in accordance with policies established by the governing board of the Authority. The director also shall serve as secretary of the governing board. Administrative personnel of the Authority shall be appointed by the director with the approval of the governing board.

Sec. 58. The governing board of the Youth Authority shall determine the policies to be followed in carrying out the functions of the Authority, and shall be responsible for reviewing the operations of the Authority. The disposition authorized by law to be made by the Youth Authority, of children committed to it, shall be made in accordance with the general policies established by the governing board. The governing board shall review, at least annually, the case of each child committed to the Authority, so long as the child remains under the jurisdiction of the Authority.

Sec. 59. The Youth Authority shall constitute an administrative division of government within the Kentucky Children's Bureau, which is hereby established within the Department of Welfare. The bureau shall be headed by an executive director, to be appointed by the Commissioner of Welfare with the prior written approval of the Governor. The executive director shall be responsible for carrying out the duties imposed upon the bureau by this Act, and for integrating and coordinating the functions of the administrative units within the bureau.

Sec. 60. (1) Any person who violates section 12 of this Act shall be fined not less than $100 nor more than $500, or imprisoned in the county jail for not more than 30 days, or both.

(2) Any person who transports or causes or permits a female child to be transported in violation of subsection (1) of section 26 of this Act shall be fined not less than $100 nor more than $500.

(3) Any person who violates subsection (2) of section 26 of this Act shall be fined not more than $100.

Sec. 61. Sections 198.010 to 198.060, section 198.080, sections 198.090, 198.110, 199.010, 199.020 to 199.310 (including 199.131), and subsection (1) of section 199.990, of the Kentucky Revised Statutes, are repealed.

Sec. 62. (1) There hereby is appropriated, out of the General Expenditure Fund in the State Treasury, to the Kentucky Children's Bureau in the Department of Welfare, the following sums for the designated fiscal years:

1952-1953 ----------$56,500
(This includes, subject to the provisions of KRS 45.160, $14,000 for salaries of Directors, $2,500 for per diem and travel of Youth Authority Board, $25,000 for reception center, and $15,000 to replace county payments for care of children in Greendale)

1953-1954 ----------$101,500
(This includes, subject to the provisions of KRS 45.160, $14,000 for salaries of Directors, $2,500 for per diem and travel of Youth Authority Board, $70,000 for reception center, and $15,000 to replace county payments for care of children in Greendale)

(2) Any appropriations made by the General Assembly for expenses of administration of the office of the Commissioner of Welfare and the Division of Fiscal Control in the Department of Welfare, for the fiscal years 1952-1953 and 1953-1954, shall also be available during those years for payment of administrative expenses of the Kentucky Children's Bureau and the Youth Authority.

(3) Any appropriation made by the General Assembly for operation of the Kentucky Children's Home for the fiscal years 1952-1953 and 1953-1954 shall be deemed to have been appropriated, for such purpose, to the Youth Authority.

(4) Out of the moneys appropriated by the General Assembly to the Division of Corrections in the Department of Welfare, for the fiscal years 1952-1953 and 1953-1954, there shall

be deemed to have been appropriated to the Youth Authority, for operation of the Houses of Reform, the sum of $447,000 for the 1952-1953 fiscal year and the sum of $472,200 for the 1953-1954 fiscal year.

(5) Any revolving, trust or agency fund accounts appropriated or authorized for the Kentucky Children's Home or the Houses of Reform shall continue in existence during the fiscal years 1952-1953 and 1953-1954, to be administered by the Youth Authority.

Sec. 63. This Act shall not become operative until January 1, 1953, except to the extent that the Act provides for the administrative organization of the Youth Authority and the Kentucky Children's Bureau, authorizes a reception center and other facilities to be established, and provides funds for such purposes. To that extent this Act shall take effect on July 1, 1952, in order to enable the administrative organization and necessary facilities to be established preliminary to operations under this Act.

Ordered that said bills be printed and referred.

The message which was received from the House of Representatives further announced that they had passed a bill which originated in the Senate of the following title, viz:

S. B. No. 17. AN ACT abolishing the position of deputy constable, except in counties containing a city of the first or second class.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

The message which was received from the House of Representatives further announced that they had concurred in a resolution which originated in the Senate of the following title, viz:

S. Res. No. 13. A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 25. AN ACT concerning equipment of vehicles.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 111. AN ACT relating to the sale of boats and motor vehicles for the purpose of recovering charges and deferred purchase money due thereon, amending section 376.280 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 57. AN ACT relating to the practice of dentistry.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 13. AN ACT concerning the practice of Chiropody.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz.:

H. R. No. 13. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Eugene H. Clark	Doug Hays	Jack R. Reynolds
Augustus Cornett	Thomas Hines	William J. Sample
Louis Cox	Dr. J. E. Johnson	Paul Stapleton
Archie Craft	James Lassiter	Otis C. Thomas
Martin J. Duffy	Homer E. Losey	Wendell Van Hoose
Ernest M. Ford	C. W. A. McCann	Sylvester Wagner
Wayne Freeman	James R. Mansfield	John M. Williams
Julian Golden	Richard P. Moloney	E. V. Withers
James P. Hanratty		—25

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a resolution entitled, viz.:

H. RES. No. 14. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest," and declaring an emergency.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Eugene H. Clark	Doug Hays	William J. Sample	
Augustus Cornett	Thomas Hines	Paul Stapleton	
Louis Cox	Dr. J. E. Johnson	Otis C. Thomas	
Archie Craft	James Lassiter	Wendell Van Hoose	
Martin J. Duffy	Homer E. Losey	Sylvester Wagner	
Ernest M. Ford	C. W. A. McCann	John M. Williams	
Wayne Freeman	James R. Mansfield	E. V. Withers	
Julian Golden	Richard P. Moloney		
James P. Hanratty	Jack R. Reynolds		—25

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 113. AN ACT relating to education.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Thomas Hines	William J. Sample	
Augustus Cornett	Dr. J. E. Johnson	Paul Stapleton	
Louis Cox	James Lassiter	Otis C. Thomas	
Archie Craft	Homer E. Losey	Wendell Van Hoose	
Martin J. Duffy	C. W. A. McCann	Sylvester Wagner	
Ernest M. Ford	James R. Mansfield	John M. Williams	
Wayne Freeman	Richard P. Moloney	E. V. Withers	
Julian Golden	Jack R. Reynolds		
James P. Hanratty	Freeman Robinson		—25

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day bills entitled, viz:

S. B. No. 107. AN ACT relating to a sewer district in cities of the second class and in counties containing such cities.

S. B. No. 64. AN ACT relating to the duties and liabilities of property owners with regard to the destruction of rats on their premises.

S. B. No. 100. AN ACT relating to a study of the problem of Alcoholism in the State, providing for an Alcoholic Study Commission and for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

S. B. No. 140. AN ACT relating to a Department of Mental Health, and its establishment, organization, personnel, powers, duties, functions, funds, and facilities, including provisions for the transfer of functions, funds and facilities from other state departments or agencies.

H. B. No. 100. AN ACT relating to the Department of Welfare including smoking regulations in the Penal Institutions and Houses of Reform.

H. B. No. 99. AN ACT relating to support of children, amending section 405.020 of the Kentucky Revised Statutes.

H. B. No. 70. AN ACT relating to fertilizer.

H. B. No. 152. AN ACT relating to the ad valorem tax system of the State, counties, cities and other taxing districts.

S. B. No. 10. AN ACT relating to the compensation of jury commissioners, amending Section 29.060 of the Kentucky Revised Statutes.

S. B. No. 48. AN ACT imposing a penalty for removing or altering numbers on farm tractors or other units of farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

S. B. No. 138. AN ACT relating to the condemnation of property for construction, reconstruction, and maintenance of highways and bridges and facilities related thereto, and repealing KRS 177.075.

S. B. No. 105. AN ACT relating to the stealing of cattle.

S. B. No. 108. AN ACT changing the classification of the City of Lakeside Park, in Kenton County.

S. B. No. 81. AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

S. B. No. 73. AN ACT relating to the terms of court in the Third Judicial District.

S. B. No. 66. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

S. B. No. 90. AN ACT relating to the use of business records as evidence and to make uniform the law relating thereto.

S. B. No. 91. AN ACT relating to use of photographic copies of business and public records in evidence.

S. B. No. 115. AN ACT relating to compensation and maintenance of persons performing public services in positions requiring the services of a physician.

H. B. No. 101. AN ACT relating to the trusts and agency fund of the metal stamping plant in the Department of Welfare.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their place in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that S. B. No. 86 be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Thereupon, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 86. AN ACT relating to the powers of the governing bodies of the state institutions of higher education, the limitations on salaries payable, and related matters.

With the following amendment, viz:

Amendment No. 1

By striking from line 9 in Section 2 on Page 2 and from line

7 in Section 4 on Page 2 and from line 6 in Section 5 on Page 3, in each instance the words "for Negroes"

Senator Moloney moved that the Senate do now adopt said amendment.

Said motion was agreed to.

Thereupon said amendment was adopted.

Senator Lassiter moved the previous question.

Whereupon, the President of the Senate announced, "Shall the Main Question be put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment, having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Wayne Freeman	James R. Mansfield
Eugene H. Clark	James P. Hanratty	Strother Melton
Augustus Cornett	Thomas Hines	Richard P. Moloney
Louis Cox	Dr. J. E. Johnson	Jack R. Reynolds
Archie Craft	James Lassiter	Freeman Robinson
Martin J. Duffy	Homer E. Losey	William J. Sample
Ernest M. Ford	C. W. A. McCann	Paul Stapleton

Otis C. Thomas Sylvester Wagner E. V. Withers
Wendell Van Hoose John M. Williams —26

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of making a motion concerning the printer's contract.

Said motion was agreed to.

Senator Moloney moved that the Clerk of the Senate be directed to notify the printer that if the contract is not fulfilled the Senate intends to rescind is contract.

Said motion was agreed to.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of hearing Report of Committees.

REPORT OF COMMITTEES

Senator Withers, Chairman of the Committee on Elections and Redistricting, to which said bill had been referred previously, reported a bill of the folowing title, viz:

H. B. No. 11. AN ACT relating to terms of court in the Fifteenth Judicial District.

With the expression of opinion that same should pass with amendment thereto by way of committee substitute therefor.

Said amendment by way of committee substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (15) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in county at the following named time, and continue, if the business requires it, the number of days hereinafter pre-prescribed:

* * * * *

(15) *Fifteenth District.* Boone County, at Burlington, on the second Monday in April, August and December, twelve juridical days each.

Carroll County, at Carrollton, on the fourth Monday in April, August and November, twelve juridical days each.

Gallatin County, at Warsaw, on the third Monday in March and third Monday in June, twelve juridical days each; on the third Monday in November, six juridical days.

Grant County, at Williamstown, on the first Monday in February and October, eighteen juridical days each; on the first Monday in July, twelve juridical days.

Owen County, at Owenton, on the first Tuesday after the fourth Monday in February and October, seventeen juridical days each; on the third Monday in July, eighteen juridical days.

Section 2. This Act shall become effective on September 1, 1952.

Whereupon, said bill, with amendment thereto by way of committee substitute therefor, was read at length for the first time and

Ordered placed in the Calendar.

Senator Golden moved that when the Senate adjourns today it adjourn out of respect to Abraham Lincoln.

Said motion was agreed to.

Senator Moloney moved that, out of respect to Abraham Lincoln, the Senate do now adjourn until 1 P.M., Wednesday, February 13, 1952.

Said motion was agreed to.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 13, 1952

The Senate convened and was called to order by the President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend W. P. Wilhoyte, Pastor of the Church of the Nazarene, of Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

Bernard J. Bonn	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	C. W. A. McCann	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	Strother Melton	Sylvester Wagner
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
James P. Hanratty	Jack R. Reynolds	E. V. Withers
Doug Hays	Freeman Robinson	
Stanley Hoffman	William J. Sample	—34

The following Senators were absent—

H. Stanley Blake	Bert Kiser	Homer E. Losey
Thos. Hines		—4

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Friday, February 8, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF BILLS.

Bills of the following titles were introduced, viz:

By Senator Cox.

S. B. No. 162. AN ACT relating to administrative agencies of the state government; including provisions as to the prepara-

tion, filing, effectiveness and publication or distribution of administrative regulations, procedure before administrative agencies, and judicial review of the actions of administrative agencies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context otherwise requires: (1) "State agency" includes any officer, department, bureau, division, board, authority, agency, commission or institution of this state except the judicial and the legislative branches.

(2) "Regulation" includes every rule or regulation made by any state agency, except a rule, regulation or order which:

(a) Relates only to the organization or internal management of the state agency;

(b) Is directed to a specifically named person or to a group of persons, and does not apply generally throughout the state;

(c) Is duly served by the state agency in the manner authorized by law upon the person or persons designated therein as the party or parties legally affected;

(d) Establishes or fixes rates or tariffs; or

(e) Relates to the use of public works, including streets and highways, under the jurisdiction of any state agency when the effect of such rule, regulation or order is indicated to the public by means of signs or signals.

(3) Nothing in this Act shall prevent any state agency, in its discretion and subject to the approval of the Statute Revision Commission, from filing, and the Statute Revision Commission from distributing in accordance with this Act, any rates, tariffs or other documents not required by this Act to be filed.

(4) Compliance with the provisions of this Act does not dispense with the requirements of any other law necessary to make the regulation effective.

Sec. 2. (1) No regulation made by any state agency after

the effective date of this Act shall become effective until thirty days after an original and two duplicate copies of the regulation are filed in the office of the Statute Revision Commission, except that when the state agency finds that an emergency exists, and such finding is concurred in by the Governor, by written endorsement upon the original regulation, a regulation may become effective immediately upon being filed in the office of the Statute Revision Commission.

(2) Each regulation shall include a citation of the authority pursuant to which it, or any part of it, was adopted.

(3) The Statute Revision Commission shall cause to be endorsed on the original and duplicate copies of each regulation filed the time and date of the filing thereof, and shall maintain a file of such regulations for public inspection, with suitable indexes.

Sec. 3. (1) The Statute Revision Commission shall prescribe rules governing the manner and form in which regulations shall be prepared, to the end that all regulations shall be prepared in a uniform manner. The commission may refuse to accept for filing any regulation that does not conform to the rules.

(2) The Statute Revision Commission shall furnish advice and assistance to all state agencies in the preparation of their regulations, and in revising, codifying and editing existing or new regulations.

Sec. 4. (1) Any person who desires to receive copies of regulations filed with the Statute Revision Commission may at any time file with the commission an application containing his name and mailing address, together with a list of the names of the agencies a copy of whose regulations he desires to receive. For each agency whose regulations he desires to receive he shall pay, with his application, a fee of five dollars. Thereupon, for a period of one year from the date of the application, the Statute Revision Commission shall mail to the applicant, forthwith after filing, a copy of each regulation of the designated agency or agencies filed during the year.

(2) Any person desiring to receive a copy of all regulations of any state agency in force as a particular date shall be fur-

nished the same by the Statute Revision Commission upon his paying the cost thereof.

(3) Any printed compilation of regulations of state agencies published prior to the effective date of this Act shall be sold by the Statute Revision Commission, at cost, to persons desiring to purchase the compilation.

(4) Any sums paid to the Statute Revision Commission under this section shall be placed in the State Treasury to the credit of a revolving, trust or agency fund account, for use by the Statute Revision Commission in carrying out the provisions of this section.

Sec. 5. The filing of a regulation under this Act shall raise a rebuttable presumption that: (1) The regulation was duly adopted, issued or promulgated;

(2) The regulation was duly filed with the Statute Revision Commission and made available for public inspection at the day and hour endorsed on it; and

(3) All requirements of this Act and the rules prescribed thereunder relative to such regulations have been complied with.

Sec. 6. The courts shall take judicial notice of any regulation duly filed under the provisions of this Act, after the regulation has become effective.

Sec. 7. All regulations filed with the Secretary of State prior to the effective date of this Act, under KRS 13.010 to 13.070, shall upon the effective date of this Act be transferred to the office of the Statute Revision Commission. The commission shall cause such of the regulations as are no longer in force to be placed in a "dead" file. Such of the regulations as remain in force shall be placed in a current file and suitably indexed, and shall otherwise be dealt with in accordance with the provisions of this Act.

Sec. 8. When any regulation filed with the Statute Revision Commission expires by its own terms, or is superseded or revoked, the commission shall cause the same to be placed in a "dead" file.

Sec. 9. The Statute Revision Commission shall cause to be prepared, for submission to the 1954 General Assembly, a draft of an Act providing uniform procedures for practice before administrative agencies, and for judicial review of their actions. In the preparation of such draft the staff of the commission shall consult with representatives of the various state agencies, and utilize such information and assistance as may be made available by the Legislative Research Commission.

Sec. 10. Where practicable to do so, state agencies are encouraged to give notice, to interested persons, of proposed regulations, and conduct hearings upon the proposed regulations prior to adoption thereof.

Sec. 11. The Statute Revision Commission may employ qualified personnel to carry out the provisions of this Act.

Sec. 12. Any money appropriated for the Codification Board, for the fiscal years 1952-53 and 1953-54, shall be available to the Statute Revision Commission for the purposes of this Act.

Sec. 13. Sections 13.010 to 13.070, and section 13.990, of the Kentucky Revised Statutes, are repealed.

By Senator Cox.

S. B. No. 163. AN ACT relating to Motor Vehicle Operator's License.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. DEFINITION. As used in this Act, the following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Department" means the "Department of Kentucky State Police."

(2) "Commissioner" means the "Commissioner or Commanding Officer of the Kentucky State Police."

(3) "Highway" means every way or place of whatever nature when any part of it is open to the use of the public,

as a matter of right, license or privilege, for the purpose of vehicular traffic.

(4) "Motor Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human and animal power or used exclusively upon stationary rails or tracks, or derives its power from overhead wires.

(5) "Operator" means any person in actual physical control of a motor vehicle upon a highway, or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(6) As applied to operator's license issued under this Act, "Suspension" means that the licensee's privilege to drive a vehicle is temporarily withdrawn.

(7) As applied to operator's licenses issued under this Act, "Revocation" means that the licensee's privilege to drive a vehicle is terminated.

(8) As applied to operator's licenses issued under this Act, "Cancellation" means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

(9) "Nonresident" means a person who is not a resident of the Commonwealth of Kentucky.

SECTION 2. ADMINISTRATION.

(1) The administration of the provisions of this Act not specifically vested in the circuit clerks shall be vested in the Department. The Department may prescribe regulations for the enforcement of the Act, enforce regulations governing the acts of the circuit clerks and motor vehicle operators thereunder, and require reports which it deems necessary.

(2) The Department shall provide or cause to be provided to appropriate persons or officials an adequate supply of forms for the administration of the Act. The style of the forms and the method of their use shall be prescribed by the Depart-

ment and shall be adequate to protect the financial and safety interests of the State.

SECTION 3. OPERATORS MUST BE LICENSED. No person except those expressly exempted by this Act shall operate a motor vehicle upon any highway in this state unless such person has procured an operator's license or permit in accordance with the provisions of this Act.

SECTION 4. EXEMPTION OF NONRESIDENTS.

(1) A nonresident over the age of sixteen who has been licensed as an operator in his home state or country and who has a valid operator's license certificate in his immediate possession may drive a motor vehicle upon Kentucky highways without a Kentucky operator's license, if his own state or country accords similar privileges to licensed residents of Kentucky.

(2) A nonresident over the age of sixteen whose home state or country does not require the licensing of operators and who has registered his own motor vehicle for the current calendar year in his home state or country may operate that motor vehicle upon Kentucky highways for not longer than thirty days in any one year without obtaining an operator's license. He may be required at any time or place to prove lawful ownership and the right to operate the motor vehicle and to establish his identity.

(3) The Department may at any time refuse or discontinue the exemptions authorized in this section for any grounds upon which an operator's license issued under this chapter may be denied, cancelled, suspended or revoked.

(4) No person whose operator's license or privilege to operate a motor vehicle in this state has been denied, withdrawn, cancelled, suspended or revoked as provided in this Act shall operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction during the period of denial, withdrawal, cancellation, suspension or revocation.

SECTION 5. EXEMPTION OF OPERATORS OF FARM MACHINERY AND PERSON IN ARMED FORCES.

(1) No person need obtain an operator's license to operate a road roller, road machinery or any tractor or implement of husbandry temporarily drawn or propelled on the highways.

(2) Every person in the service of the Army, Navy, Air Force, or Marine Corps of the United States, when furnished with an operator's permit from the United States, shall be exempt from an operator's license when operating an official vehicle in the course of his service.

SECTION 6. PERSONS NOT TO BE LICENSED. An Operator's license shall not be granted to:

(1) Any person under the age of sixteen except as provided in Section 12.

(2) Any person whose operator's license has been suspended, during the period of suspension.

(3) Any person whose operator's license has been revoked, nor to any nonresident whose privilege of exemption under this Act has been refused or discontinued until the expiration of one year after the license was revoked or the privilege refused or discontinued.

(4) An habitual drunkard or drug addict.

(5) Any applicant who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded with a certificate of the superintendent that the applicant is competent. The Department shall determine by examination that the person is competent to operate a motor vehicle with safety to persons and property.

(6) Any person who, in the opinion of the Department after examination, is afflicted with such physical or mental disability as prevents him from exercising reasonable and ordinary control over a motor vehicle upon the highways.

(7) Any person who is unable to understand highway warnings or direction signs in the English language.

(8) Any person required by this Act to take an examination who has not successfully passed the examination.

(9) Any person required by Chapter 187 to deposit proof of financial responsibility, who has not deposited that proof.

(10) Any person who has not filed a correct and complete application as provided in this Act.

SECTION 7. APPLICATION FOR OPERATOR'S LICENSE.

(1) Every application for an operator's license or permit shall be made upon a form furnished by the Department. The The applicant for such license or permit may apply in person to the circuit court clerk or may forward his application to the circuit court clerk by mail or by another person. The applicant shall make oath to the circuit court clerk or before any other officer authorized by law to administer oaths as to the truthfulness of the statements contained in the application form.

(2) Every application shall contain the full name, date of birth, sex, race, and residence address of the applicant and briefly describe him. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or country, whether any license has ever been cancelled, suspended, revoked or refused, and if so, the date of and reason for the cancellation, suspension, denial, revocation or refusal, and such other information as may be required.

(3) The requirement of an application as provided in subsection (1) and (2) of this section may be waived by regulation of the Department provided the applicant is a licensed operator in this State whose license has not been suspended or revoked.

SECTION 8. APPLICATION OF MINOR.

(1) The application of any minor under the age of eighteen for an operator's license or instruction permit shall not be granted unless the application is signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having custody of the minor. If the minor has no father, mother or guardian, an operator's license or instruction permit shall not be granted to the minor unless his application is signed by a person willing to assume the obligation imposed by this Act upon a person signing the application of a minor.

(2) Any person who has signed the application of a minor for a license may file with the department a verified written request that the license of the minor be cancelled. Thereupon the license of the minor shall be cancelled and the person who signed the application shall be relieved as to subsequent acts of the minor from the liability imposed by this section.

(3) The Department upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license shall have the license cancelled and no new license shall be issued to the minor until a new application, signed and verified, is made as required by this section.

SECTION 9. EXAMINATION OF APPLICANTS BY DEPARTMENT.

(1) No person who has not heretofore been issued an operator's license in this State shall hereafter be issued an operator's license until it is determined by an officer of the Department that such person is physically and mentally capable of safely operating a motor vehicle over the highways of the state.

(2) The Department may cause each person who has heretofore been issued an operator's license to be examined or reexamined by an officer of the Department to determine whether or not such person is physically and mentally capable of safely operating motor vehicles over highways of the state.

(2) In determining whether or not a person is physically and mentally capable of safely operating motor vehicles over the highways of the state, the department shall require such person to demonstrate his capability by passing an examination. The examination shall be held in the county where the applicant resides unless the applicant is granted written permission by the circuit clerk of the county in which he resides, to take the examination in another county, and the State Police agrees to arrange for the examination in the other county.

(4) The examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs—regulating, warning and directing traffic, his knowledge of traffic laws and actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; provided, however, that the Department may by regulation waive

the requirement of an actual demonstration of ability, etc. when the applicant has heretofore been issued an operator's license.

SECTION 10. ISSUANCE OF OPERATOR'S LICENSE.

The Department shall upon payment of the required fee issue to every applicant therefor an operator's license as applied for in accordance with the provisions of this Act and regulations issued pursuant to this Act or the Department may by regulation provide for the issuance of the license by the circuit court clerk and may by regulation authorize a licensee whose license has not been suspended or revoked to secure an annual or biennial renewal of his license by applying in person or by mail for such renewal.

The license shall bear thereon a distinguishing number assigned to the licensee, the name, date of birth, sex, race, and residence address of the licensee. The license shall bear either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

SECTION 11. RESTRICTED LICENSE.

(1) The Department shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of motor vehicle or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(2) The Department may either issue a special restricted license or set forth such restrictions upon the usual license form.

(3) The Department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this Act.

SECTION 12. INSTRUCTION PERMITS AND TEMPORARY LICENSES.

(1) Any person who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain an operator's license may apply for an instruction permit which shall entitle the applicant while having such permit in his immediate possesion and while accompanied by a licensed operator, to drive a motor vehicle upon the highways for not more than sixty days. The fee for this license shall be fifty cents, twenty-five cents of which shall be retained by the circuit clerk and twenty-five cents forwarded to the Department.

(2) The Department may in its discretion issue a restricted instruction permit effective for a specified period not to exceed one year to an applicant who is fifteen years of age or older which shall be valid only if,

(a) The permittee is enrolled in a driver training program approved by the Department and an approved instructor is occupying a seat beside the permittee, or

(b) The permittee is accompanied by his parent or legal guardian who is a licensed and qualified driver and such person is occupying a seat beside the permittee.

The fee for this license shall be one dollar ($1.00).

(3) The Department shall issue or direct the circuit court clerk to issue a temporary driving permit to an applicant for an operator's license permitting him to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's right to receive an operator's license, provided, the applicant has been previously licensed in this state and such license has not been suspended or revoked. The Department may in its discretion issue or direct the issuance of such a temporary permit to applicants who have not been previously licensed in this state. The temporary permit issued pursuant to this subsection shall be invalid when the applicant's license has been issued or for a good cause has been refused and in no case shall be valid after ninety days from date of issuance.

SECTION 13. FEES. Every applicant for an operator's license or permit shall, upon application for such license or permit, pay to the circuit clerk the fees as provided for in this Act.

If it is determined by the Department that the applicant for an operator's license or permit is not eligible to receive the license or permit the portion of the fee which is forwarded to the Department shall be returned to the applicant except in cases where the applicant has made false statements in his application. The portion of the fee retained by the circuit clerks shall not be returned to the applicant.

Unless otherwise provided in this Act, the circuit clerk shall retain twenty-five percent of all fees and shall forward the remainder to the Department. All fees received by the Department shall be turned over to the Department of Revenue for accounting purposes.

SECTION 14. EXPIRATION OF OPERATOR'S LICENSE.

(1) Operator's licenses issued prior to July 31, 1952, and showing expiration date of July 31, 1952, shall expire on the first anniversary of the date of birth of the licensee occurring after July 31, 1952.

(2) Persons who have not been issued a license showing an expiration date of July 31, 1952, shall, if qualified, be issued a license which shall expire on the first anniversary of the date of birth of the licensee occurring after July 31, 1952. The fee for this license may be prorated in accordance with regulations which the Department shall prescribe.

(3) Operator's licenses which shall be effective after the expiration of license issued in accordance with subsection (1) and (2) of this section shall expire as follows:

(a) Licenses issued to a person whose year of birth is a year the last digit of which is an even number shall expire two years from the first anniversary of his date of birth occurring after July 31, 1952, and biennially thereafter. The fee for this license shall be two dollars ($2.00); provided, however, that the fee may be prorated in accordance with regulations the Department may prescribe if the license is for a period of one year or less.

(b) Licenses issued to a person whose year of birth is a year the last digit of which is an odd number shall expire one

year from the first anniversary of his date of birth occurring after July 31, 1952, and biennially thereafter. The fee for the license which shall expire one year from the first anniversary of the date of birth of the licensee occurring after July 31, 1952, shall be one dollar ($1.00). The fee for the license issued thereafter shall be two dollars ($2.00); provided however that the fee may be prorated in accordance with regulations the Department shall prescribe if the license is for a period of one year or less.

(4) The anniversary of the date of birth of an applicant born on February 29, shall for the purpose of this section, during the years in which there is no February 29, be considered as March 1.

SECTION 15. DUPLICATE CERTIFICATE WHEN ORIGINAL LOST.

If an operator's license certificate is lost or destroyed, the person to whom it was issued may obtain a duplicate or substitute from the Department by applying in person to the circuit clerk of the county in which the original license certificate was issued, furnishing proof satisfactory to the clerk that the license certificate has been lost or destroyed. The fee for this license shall be fifty cents, twenty-five cents of which shall be retained by the clerk and twenty-five cents forwarded to the Department.

The application for the duplicate or substitute shall be forwarded to the Department who shall upon determining applicant's continued eligibility for the license, issue the duplicate or substitute.

SECTION 16. LICENSE TO BE IN POSSESSION AND TO BE SHOWN ON DEMAND.

The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand to the circuit clerk or examiner, a justice of the peace, a peace officer or an officer of the Department. It shall be a defense to any charge under this section if the person so charged produces in court an operator's license, issued to him before his arrest and valid at the time of his arrest.

SECTION 17. LICENSEE TO NOTIFY DEPARTMENT OF CHANGE OF ADDRESS OR NAME.

Whenever any person after applying for or receiving an operator's license moves from the address named in the application or license issued to him or when the name of a licensee is changed, by marriage or otherwise, such person shall within ten days after the change notify the Department in writing of his old and new addresses, or his former and new names and the number of any license then held by him.

SECTION 18. COURTS TO REPORT CONVICTIONS.

(1) The clerk of any court or the judge of any court which has no clerk, when acting as the clerk of the court, having jurisdiction over offenses committed under motor vehicle laws shall report upon a form furnished by the Department the conviction, pleas or forfeiture of bond arising under motor vehicle laws, to the Department within fifteen days.

(2) The court shall take up the motor vehicle operator's license certificate of a person convicted of any of the offenses for which mandatory revocation is provided by this Act and have it immediately forwarded to the Department with the report covering the conviction.

SECTION 19. MANDATORY REVOCATION; CAUSES; DENIAL OF LICENSE FOR SAME CAUSES; PERIOD OF REVOCATION OR DENIAL.

(1) The Department shall forthwith revoke the license of any operator of a motor vehicle upon receiving record of his conviction of any of the following offenses:

(a) Manslaughter resulting from the operation of a motor vehicle.

(b) Driving a vehicle while under the influence of intoxicating liquor or narcotic drugs.

(c) Perjury or the making of a false affidavit under this Act or any law requiring the registration of motor vehicles or regulating their operation on highways.

(d) Any felony in the commission of which a motor vehicle is used.

(e) Conviction or forfeiture of bail upon three charges of reckless driving or speeding considered collectively within the preceding twelve months.

(f) Conviction of driving a motor vehicle involved in an accident and failing to stop and disclose his identity at the scene of the accident.

(2) If the person convicted of any offense named in subsection (1) is not the holder of a license, the Department shall deny the person so convicted a license for the same period of time as though he had possessed a license. If through an inadvertence the defendant should be issued a license, the Department shall forthwith cancel it.

(3) The Department upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of that person is denied or suspended, or revoked, or while his privilege to operate a motor vehicle is withdrawn, shall immediately extend the period of the first denial, suspension, revocation or withdrawal for an additional like period.

(4) The revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section shall be for a period of six months, except that, if the same person has had one previous conviction of any offense enumerated in subsection (1) of this section, regardless of whether the person's license was revoked because of the previous conviction the period of the revocation, denial or withdrawal shall be one year; if the person has had more than one previous conviction of the offenses considered collectively as enumerated in subsection (1) of this section, regardless of whether the person's license was revoked for any previous conviction, the period of revocation, denial or withdrawal shall be for not less than two years.

SECTION 20. DISCRETIONARY SUSPENSION OR DENIAL OF LICENSE; SURRENDER OF CERTIFICATES.

(1) The Department, or its agent designated in writing for that purpose, may deny any person a license or may immediately suspend the license of any person, or, in the case of a

nonresident, withdraw the privilege of operating a motor vehicle in this state, with or without hearing, and with or without receiving a record of conviction of that person of a crime, whenever the Department has reason to believe that:

(a) That person has committed any offense for the conviction of which mandatory revocation of license is provided by this Act.

(b) That person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury or serious property damage.

(c) That person is afflicted with mental or physical infirmities rendering it unsafe for him to drive upon the highways.

(d) That person is an habitually reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws.

(e) That person has been issued a license without making proper application for it, as provided in this Act and regulations properly issued pursuant to it.

(f) A person required by this Act or regulations issued pursuant to this Act to take an examination has been issued a license without first having passed the examination.

(g) That person has been convicted of assault and battery resulting from the operating of a motor vehicle.

(2) The Department may suspend the license of any resident upon receiving notice of the conviction of that person in another state of an offense there which if committed in this state would be grounds for the suspension or revocation of an operator's license. If a person so convicted is not the holder of a Kentucky license, the Department shall deny him a license for the same period as if he had possessed a license and the license had been suspended. The Department may, upon receiving a record of the convictions in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws, forward a notice of that person's conviction to the proper officer in the state of which the person so convicted is a resident.

(3) Each license which has been cancelled, suspended or

revoked shall be surrendered to and retained by the Department. At the end of the period of cancellation, suspension or revocation the license may be returned to the licensee.

SECTION 21. REVOKED OR SUSPENDED LICENSES. Any operator's license which has been cancelled, revoked, suspended, denied or withdrawn under the provisions of Chapter 187 of the Kentucky Revised Statutes shall be taken up by the Department.

SECTION 22. APPEALS. Any person denied a license or whose license has been cancelled, suspended, or revoked by the Department, except when the facts render revocation or suspension mandatory, shall have a right to petition the Quarterly Court of the county in which he resides for relief. A copy of the petition shall be filed with the Department.

Either the aggrieved person or the Department may appeal from the decision of the Quarterly Court.

SECTION 23. MINOR'S NEGLIGENCE IMPUTED TO PERSON SIGNING APPLICATION OR ALLOWING HIM TO DRIVE.

(1) Any negligence of a minor under the age of eighteen who has been licensed upon an application signed as provided by Section 8 of this Act, when driving any motor vehicle upon a highway shall be imputed to the person who signed the application of the minor for the license. That person shall be jointly and severally liable with the minor for any damages caused by the negligence.

(2) If a minor deposits or there is deposited in his behalf, a proof of financial responsibility in form and amounts required by KRS Chapter 187, the person who signed the application shall not, while such proof is maintained, be subject to the liability imposed by subsection (1). If the minor is the owner of a motor vehicle, the proof of financial responsibility shall be with respect to the operation of that motor vehicle; if not an owner, then with respect to the operation of any motor vehicle.

(3) Every motor vehicle owner who causes or knowingly permits a minor under the age of eighteen to drive the vehicle upon a highway, and any person who gives or furnishes a motor

vehicle to the minor shall be jointly and severally liable with the minor for damage caused by the negligence of the minor in driving the vehicle.

SECTION 24. PROHIBITED USES OF LICENSES. No person shall:

(1) Display or cause or permit to be displayed or have in his possession any operator's license knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(2) Lend to, or knowingly permit the use of by, one not entitled to, any operator's license issued to the person so lending or permitting the use of the license;

(3) Represent as one's own any operator's license not issued to the person displaying the license;

(4) Fail to surrender to the Department upon demand, any operator's license which has been suspended, cancelled or revoked;

(5) Use a false name or give a false address in any application for an operator's license or any renewal or duplicate, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any application.

SECTION 25. UNLAWFUL TO DRIVE OR PERMIT ANOTHER TO DRIVE WITHOUT LICENSE.

(1) No person shall authorize or knowingly permit a motor vehicle owned or controlled by him to be driven by any person who has no legal right to drive it or in violation of any of the provisions of this Act.

(2) No person whose operator's license has been denied, cancelled, suspended or revoked, or whose privilege to operate a motor vehicle has been withdrawn, shall drive any motor vehicle upon the highways while the license is denied, cancelled, suspended, or revoked or his privilege to operate a motor vehicle is withdrawn.

SECTION 26. RENTING A MOTOR VEHICLE TO ANOTHER.

(1) No person shall rent a motor vehicle to any other per-

son if the latter is not licensed, unless he is a nonresident whose home state or country does not require that an operator be licensed.

(2) No person shall rent a motor vehicle to another until he has inspected the operator's license of the person to whom the vehicle is to be rented and compared and verified the signature on the license with the signature of that person written in his presence.

(3) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle rented, the name and address of the person to whom the vehicle is rented, the number of his license and the date and place of issuance of his license. That record shall be open to inspection by any police officer or employee of the Department.

SECTION 27. DRIVING WITHOUT OPERATOR'S LICENSE IS EVIDENCE OF NEGLIGENCE IN ACCIDENT. Any driver involved in any accident resulting in any damage whatever to person or to property who is ineligible to procure an operator's license, or being eligible therefor has failed to procure a license, or whose license has been cancelled, suspended or revoked prior to the time of the accident, shall be deemed prima facie negligent in causing or contributing to cause the accident.

SECTION 28. DUTIES OF CIRCUIT CLERK. The circuit clerk of each county shall:

(1) Comply with all rules and regulations issued by the Department under this Act relating to his duties.

(2) Act for the Department for the purpose of taking applications for operator's licenses.

(3) Forward a copy of the application for an operator's license to the Department within one week from the date the application is taken.

(4) Administer the oath required by this Act without fee.

(5) Report and remit to the Department all moneys collected in accordance with the provisions of this Act.

(6) Keep adequate records of all moneys collected and remitted to the Department.

(7) Keep in his office at all times available to the Department, a record of all applications made in his county, all licenses issued in his county, all denials, cancellations, suspensions, revocations or withdrawals and to the extent that he is advised, all other withdrawals of the privilege to operate a motor vehicle on the highways.

SECTION 29. PENALTIES.

(1) Any person who violates Section 3, subsection 4 of Section 4, Section 24, Section 25 or Section 26 of this Act shall be fined not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00) or imprisoned for not more than six months or both so fined and imprisoned.

(2) Any person who violates Section 16 or 17 of this Act shall be fined not less than two dollars ($2.00) nor more than one hundred dollars ($100.00).

(3) Any clerk or judge failing to comply with Section 18 or 28 of this Act shall be subject to a penalty of one hundred dollars ($100.00) which shall accrue to the state and may be recovered with costs of the suit in a civil action brought by the Department.

(4) Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this Act to be sworn to or affirmed shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) or imprisoned for not more than six months or both so fined and imprisoned.

SECTION 30. Section 186.010 of the Kentucky Revised Statutes is amended to read as follows: DEFINITIONS. In this chapter, unless the context requires otherwise:

(1) "Department" means the Department of Revenue.

(2) "Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license or privilege, for the purpose of vehicular traffic.

(3) "Manufacturer" means any person engaged in manufacturing motor vehicles who will, under normal conditions during the year, manufacture or assemble at least ten new motor vehicles.

(4) "Motor Vehicle," as used in KRS 186.020 to 186.260, includes all vehicles, as defined in paragraph (2) of subsection (7) of this section which are propelled otherwise than by muscular power.

(5) "Operator" means any person in actual control of a motor vehicle upon a highway.

(6) "Owner" means a person who holds the legal title of a vehicle. If a vehicle is the subject of an agreement for the conditional sale or lease, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor shall be deemed the owner.

(7) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five miles beyond the city limit of any municipality.

(8) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640 apply to operator's licenses.

(9) "Dealer" means any person engaging in the business of buying or selling motor vehicles.

SECTION 31. Section 186.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020 to 186.080, 186.110, 186.130 to 186.180, 186.210, 186.230 or 186.250 shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) for each offense.

(2) Any person who violates KRS 186.090 shall be fined not less than fifty ($50.00) nor more than two hundred dollars ($200.00) for each day he operates without the required license.

(3) Any person who violates KRS 186.100 shall be fined not less than twenty-five ($25.00) nor more than one hundred dollars ($100.00) for each offense.

(4) Any person who violates any of the provisions of KRS 186.190, 186.200 or 186.220 shall be fined not less than ten dollars ($10.00), nor more than two thousand dollars ($2,000.00) or imprisoned for not more than one year, or both.

(5) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one nor more than five years. Displaying a cancelled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

SECTION 32. Sections 186.400 through 186.590, and 186.610 through 186.640 of the Kentucky Revised Statutes are repealed.

SECTION 33. Section 208 of the 1948 Acts of the Kentucky Legislature is repealed.

SECTION 34. From the amount appropriated or allocated to the Department of Revenue from the State Road Fund by House Bill 12 for the fiscal years 1952-53 and 1953-54, there shall be transferred and deemed to be appropriated or allocated to the Department of State Police, which has been vested by this Act with the function of administering the Motor Vehicle Operator's License Law, the amount of fifty-eight thousand two hundred and fifty dollars ($58,250.00) for the fiscal year 1952-53 and fifty-nine thousand seven hundred and fifty dollars ($59,750.00) for the fiscal year 1953-54.

SECTION 35. In addition to the amount transferred to the Department of State Police from the Department of Revenue by Section 34 of this Act, there is hereby appropriated to the Department of State Police from the General Fund for the administration of the Motor Vehicle Operator's License Law the amount of eighty thousand dollars ($80,000) for the fiscal year 1953-54.

By Senator Cox.

S. B. No. 164. AN ACT relating to the Financial Responsibility of Motorists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 187.290 of the Kentucky Revised Statutes is amended to read as follows:

The following words and phrases, when used in KRS 187.290 to 187.640, shall, for the purposes of KRS 187.290 to 187.640, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) "Department"—The Department of State Police, except where otherwise specified herein.

(2) "Highways"—Every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license or privilege, for purpose of vehicular traffic.

(3) "Judgment"—Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(4) "Motor vehicle"—Every self-propeled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

(5) "License"—Any operator's license, temporary instruction permit or temporary license issued under the laws of this state pertaining to the licensing of operators.

(6) "Nonresident"—Every person who is not a resident of this state.

(7) "Nonresident's operating privilege"—The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state.

(8) "Operator"—Every person who is in actual physical control of a motor vehicle.

(9) "Owner"—A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of KRS 187.290 to 187.640.

(10) "Person"—Every natural person, firm, co-partnership, association or corporation.

(11) "Proof of financial responsibility"—Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle in the amount of five thousand dollars ($5,000) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of ten thousand dollars ($10,000) because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars ($5,000) because of injury to or destruction of property of others in any one accident.

(12) "Registration"—Registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles,

(13) "State"—Any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

SECTION 2. Section 187.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall administer and enforce the provisions of KRS 187.290 to 187.640 and may make rules and regulations necessary for its administration.

(2) The department is hereby authorized to employ such additional persons in accordance with the provisions of KRS 42.120 and 42.130, and incur travel, rental and other current and capital expenses necessary to accomplish the purposes of KRS 187.290 to 187.640.

(3) Any person aggrieved by an order or act of the department under the provisions of KRS 187.290 to 187.640, may, within twenty days after notice thereof, bring an action against the department in the circuit court of the county in which the accident or violation of law upon which the action of the department was based occurred to vacate or set aside the order or action of the department on the ground that it is unlawful or unreasonable. The answer of the department shall be served and filed within twenty days after the service of the complaint. The action shall then be at issue and stand ready for trial upon ten days' notice to either party, on the equity side of the docket of the court. The answer need not deny verbatim the allegations of the complaint, but a general denial thereof on behalf of the department shall be sufficient. The filing of such action shall not suspend the order or act of the department unless a stay thereof shall be granted by the court pending final determination of the review. Injunctive relief may also be granted by the court in the manner and upon the terms provided by law.

SECTION 3. Section 187.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall, upon request, furnish any person a certified abstract of the operating record of any person subject to the provisions of KRS 187.290 to 187.640, which ab-

stract shall also fully designate the motor vehicles, if any, registered in the name of such person, and if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the department shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

(2) The Department of Revenue shall cooperate with the department in furnishing the abstract of the operating record.

SECTION 4. Section 187.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which total property damage of one hundred dollars ($100.00) or more is sustained, shall within ten days report the matter in writing to the department. If such operator be physically incapable of making such report or fails to make such report for any reason, the owner of the motor vehicle involved in such accident, shall, as soon as he learns of the accident, report the matter in writing to the department. The operator or the owner shall make such other and additional reports relating to such accident as the department shall require.

(2) Failure to report an accident as herein provided or failure to give correctly the information required of him by the department in connection with such report shall be a misdemeanor and, in the event of injury or damage to the person or property of another in such accident, shall also constitute a ground for suspension or revocation of:

(a) The license or registration for any motor vehicle or of all such licenses and registrations of the person failing to make such report as herein required, and

(b) The nonresident's operating privilege of such person.

SECTION 5. Section 187.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department, within sixty days after receiving the report of the accident as required under KRS 187.320, shall suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and, if such operator is a nonresident, the privilege of operating a motor vehicle within this state, and, if such owner is a nonresident, the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum determined by the department as sufficient to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; provided notice of such suspension shall be sent by the department to such operator and owner not less than ten days prior to the effective date of such suspension and shall state the amount required as security.

(2) This section shall not apply:

(a) To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

(b) To such operator, if not the owner of such motor vehicle if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

(c) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the department, covered by any other form of liability insurance policy or bond; or

(d) To any person qualifying as a self-insurer under KRS 187.600.

(3) No such policy or bond shall be effective under this section unless issued by an insurance company or a surety company authorized to do business in this state or is a real estate bond with at least two individual sureties, each owning real estate within this state, which real estate shall be scheduled in the bond approved by a judge of a court of record, which said bond shall be conditioned for payment of the amount as specified by the department subject to a maximum of fifteen thousand

dollars ($15,000), except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this state shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than five thousand dollars ($5,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than ten thousand dollars ($10,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than five thousand dollars ($5,000) because of injury to or destruction of property, of others in any one accident.

(4) Upon receipt of notice of such accident, the insurance company or surety company which issued such policy or bond shall furnish for filing with the department a written notice that such policy or bond was in effect at the time of such accident.

(5) The department shall notify the Department of Revenue when an owner's registration has been suspended in accordance with the provisions of Chapter 187 of the Kentucky Revised Statutes.

SECTION 6. Section 187.430 of the Kentucky Revised Statutes is amended to read as follows:

Judgments in excess of the amounts specified in KRS 187.290 (11) shall, for the purpose of KRS 187.290 to 187.640 be deemed satisfied when payments in the amount so specified have been credited thereon; provided, however, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the respective amounts so specified.

SECTION 7. Section 187.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(2) The department shall not suspend a license, registration or a nonresident's operating privilege, and shall restore any license, registration or nonresident's operating privilege suspended following non-payment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.

(3) In the event the judgment debtor fails to pay an installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license, registration or nonresident's operating privilege of the judgment debtor until such judgment is satisfied as provided in KRS 187.290 to 187.640.

SECTION 8. Section 187.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of KRS 187.290 to 187.640, and the department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

(a) Said insurance carrier shall execute a power of attorney

authorizing the department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

(b) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

(2) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

SECTION 9. Section 187.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) A "Motor vehicle liability policy" as said term is used in KRS 187.290 to 187.640 shall mean an owner's or an operator's policy of liability insurance, certified as provided in KRS 187.470 or 187.480 as proof of financial responsibility, and issued, except as otherwise provided in KRS 187.480, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(2) Such owner's policy of liability insurance:

(a) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(b) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: five thousand dollars ($5,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for

one person, ten thousand dollars ($10,000) because of bodily injury to or death of two or more persons in any one accident, and five thousand dollars ($5,000) because of injury to or destruction of property of others in any one accident.

(3) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy; the premium charges therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in KRS 187.290 to 187.640 as respects bodily injury and death or property damage, or both, and is subject to all the provisions of KRS 187.290 to 187.640.

(5) Such motor vehicle liability policy shall not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(6) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by KRS 187.290 to 187.640 shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(c) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph (b) of subsection (2) of this section.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of KRS 187.290 to 187.640 shall constitute the entire contract between the parties.

(7) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of KRS 187.290 to 187.640. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(8) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of KRS 187.290 to 187.640.

(9) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(11) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

SECTION 10. Section 187.510 of the Kentucky Revised Statutes is amended to read as follows:

(1) KRS 187.290 to 187.640 shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform to the requirements of KRS 187.290 to 187.640, may be certified as proof of financial responsibility under KRS 187.290 to 187.640.

(2) KRS 187.290 to 187.640 shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

SECTION 11. Section 187.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him fifteen thousand dollars ($15,000) in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of fifteen thousand dollars ($15,000). The State Treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(2) Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of KRS 187.290 to 187.640, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

SECTION 12. Section 187.540 of the Kentucky Revised Statutes is amended to read as follows:

Whenever any person required to give proof of financial responsibility under KRS 187.290 to 187.640 is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as provided in KRS 187.290 to 187.640. The department shall designate the restrictions imposed by this section on the face of such person's license.

SECTION 13. Section 187.550 of the Kentucky Revised Statutes is amended to read as follows:

The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the State Treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to KRS 187.290 to 187.640.

SECTION 14. Section 187.560 of the Kentucky Revised Statutes is amended to read as follows:

Whenever any proof of financial responsibility filed under the provisions of KRS 187.290 to 187.640 no longer fulfills the purposes for which required, the department shall for the purpose of KRS 187.290 to 187.640, require other proof as required by KRS 187.290 to 187.640 and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof.

SECTION 15. Section 187.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to KRS 187.290 to 187.640 as proof of financial respon-

sibility, or the department shall waive the requirement of filing proof, in any of the following events:

(a) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or nonresident's operating privilege of the person by or for whom such proof was furnished; or

(b) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof surrenders his license and registration to the department;

(2) Provided, however, that the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(3) Whenever any person whose proof has been cancelled or returned under paragraph (c) of subsection (1) of this section applies for a license or registration within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.

SECTION 16. Section 187.580 of the Kentucky Revised Statutes is amended to read as follows:

If an owner's registration has been suspended hereunder,

such registration shall not be transferred nor the motor vehicle in respect of which such registration was issued registered in any other name until the department is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of KRS 187.290 to 187.640. Nothing in this section shall be held to apply to or affect the registration of any motor vehicle sold by a person who, pursuant to the terms or conditions of any written instrument giving a right of re-possession, has exercised such right and has repossessed such motor vehicle from a person whose registration has been suspended under the provisions of KRS 187.290 to 187.640.

SECTION 17. Section 187.590 of the Kentucky Revised Statutes is amended to read as follows:

Any person whose license or registration shall have been suspended as provided in KRS 187.290 to 187.640, or whose policy or insurance or bond, when required under KRS 187.290 to 187.640, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the department shall immediately return his license and registration to the department. If any person shall fail to return to the department the license or registration as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and return the same to the department.

SECTION 18. Section 187.610 of the Kentucky Revised Statutes is amended to read as follows:

KRS 187.290 to 187.640 shall not apply with respect to any motor vehicle owned by the United States, this state or any political subdivison of this state or any municipality therein; nor, except for KRS 187.320 and 187.540, with respect to any motor vehicle which is subject to the requirements of Chapter 281, KRS.

SECTION 19. Section 187.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) KRS 187.290 to 187.640 shall in no respect be considered as a repeal of any other state motor vehicle laws but shall be construed as supplemental thereto.

(2) Nothing in KRS 187.290 to 187.640 shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

SECTION 20. Section 187.640 of the Kentucky Revised Statutes is hereby amended to read as follows:

No person shall engage in the business of leasing, renting, or letting out for hire, motor vehicles to be used for the transportation of persons but for which no driver is furnished, such business being commonly known as the "U-Drive-It" or "Rent-A-Car" business, until he has filed with the Department an insurance policy, covering the owner as the named assured, and meeting the requirements provided for in KRS 187.490, or has qualified as a self-insurer in the same manner as is provided for in KRS 187.600.

SECTION 21.

All provisions of this Act shall be effective on the usual effective date except that the provisions requiring proof of financial responsibility in the amount of five thousand dollars ($5,000) because of injury to or destruction of property to others in any one accident shall not become effective until July 1, 1953. The provisions of Chapter 187 of the Kentucky Revised Statutes requiring proof of financial responsibility in the amount of one thousand dollars ($1,000) because of injury to or destruction of property to others in any one accident shall remain in effect until July 1, 1953.

SECTION 22.

From the amount appropriated or allocated to the Department of Revenue from the State Road Fund by House Bill 12 for the fiscal years 1952-53 and 1953-54, there shall be transferred and deemed to be appropriated or allocated to the Department of State Police, which has been vested by this Act with the function of administering the financial responsibility law, the amount of fifty-eight thousand two hundred and fifty dollars ($58,250.00) for the fiscal year 1952-53 and fifty-nine thousand seven hundred and fifty dollars ($59,750.00) for the fiscal year 1953-54.

By Senator Moloney.

S. B. No. 165. AN ACT relating to inquest commitment and discharge of incompetent persons, amending section 202.080 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 202.080 of the Kentucky Revised Statues is amended to read as follows:

No commitment in proceedings under this chapter, except commitments under KRS 202.120 for medical care and observation not exceeding thirty-five days, shall be made except upon the verdict of a jury, which the court shall call to try the case. The court in its discretion may conduct the trial or inquest in chambers.

By Senator Shaikun.

S. B. No. 166. AN ACT relating to city-county boards of health established by KRS 212.350; and providing for the recovery by such boards of fees and charges for treatment, care and services rendered by institutions operated and maintained by such boards to patients able to pay therefor, and creating subrogation rights in such boards against persons liable to such patients.

Said bill is as follows, viz:

WHEREAS, many persons receiving treatment, care and services in and from institutions maintained and operated by city-county boards of health organized and operating under the provisions of KRS 212.350 to 212.630 are financially able to pay for all or part of the expense of such treatment, care and services, and

WHEREAS, many other persons receiving such treatment, care and services have the right to be reimbursed for the cost and expense of such treatment, care and services,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. City-county boards of health established by KRS 212.350 and operating hospitals and clinics may establish schedules of fees and charges for services rendered therein or thereby and may recover such fees and charges from any person who receives such services.

SECTION 2. In establishing such schedules the board may make reasonable classifications based upon the financial ability of persons to pay and may vary the charge in accordance with such classifications but no fees or charges shall in any event exceed the approximate cost of rendering the service, including drugs, pharmaceuticals, dressings, medicines or other materials used.

SECTION 3. Such boards may likewise recover the charges so established from the spouse of any person receiving said services or from the parent of such person who is a minor if such spouse or parent has the financial ability to pay.

SECTION 4. Such boards may likewise recover such fees and charges from any person, firm or corporation legally liable to the person receiving said services for such charges and shall be subrogated to the rights of the person receiving such services to the extent of such charges.

SECTION 5. The burden of proving lack of financial ability to pay shall be upon the person claiming such lack.

SECTION 6. No person brought to any such hospital for emergency treatment shall be denied admission on account of his financial condition nor shall the administration of emergency treatment to such person be delayed on account thereof.

SECTION 7. Whereas many persons required by the terms hereof to pay for such services are now escaping or avoiding payment therefor, an emergency is declared to exist and this act shall take effect immediately upon its passage and approval by the Governor.

By Senator Melton.

S. B. No. 167. AN ACT relating to inheritance and estate taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 140.030 of the Kentucky Revised Statutes is amended to read as follows:

(2) The proceeds payable under any life insurance policy on the death of the assured (other than a United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government), whether payable to a designated beneficiary or to the assured or his estate, shall be taxable as a part of the legacy as the distributable share of the beneficiary, except that the proceeds of an insurance policy payable to a designated beneficiary other than the assured or his estate, not to exceed forty thousand dolars in the aggregate, shall be tax-free. The tax-free portion shall be divided among the beneficiaries in proportion to the proceeds payable to each of them. The proceeds payable under any United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government, whether payable to a designated beneficiary or to the assured or his estate, and any pension or annuity payments made or to be made to the widow of an employe of a railroad or other carrier under the Federal Railroad Retirement Act of 1935 as amended, shall be tax-free, and shall not be considered in determining the value of any taxable transfer.

By Senator Shackelford.

S. B. No. 168. AN ACT changing the classification of the City of Berea, in Madison County.

Said bill is as follows, viz:

Whereas, satisfactory information has been presented to the General Assembly that the population of the City of Berea, in

Madison County, is such as to justify its being assigned to the fourth class of cities;

Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Berea, in Madison County, is hereby transferred from the fifth to the fourth class of cities.

By Senator Shackelford.

S. B. No. 169. AN ACT relating to actions and proceedings in Circuit Courts having two Judges, amending Section 24.080 and 24.150 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.—Section 24.080 of the Kentucky Revised Statutes is amended to read as follows:

All criminal prosecutions, all proceedings upon bail bonds and recognizances in criminal cases and all inquests concerning the condition of the mind or mental faculty of persons shall be brought and prosecuted in the criminal, common law and equity division. Civil actions shall be prosecuted in both the criminal, common law and equity division and the common law and equity division, and shall be divided between them and assigned to them as hereinafter provided.

Section 2.—Section 24.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) When by reason of the nature of the action or the disability of the judge of the division in which any civil action is pending, the judge cannot sit in the trial of the action, the judge of the other division may, upon the request of the judge of the division in which the action is pending, entered upon the order book of that division, preside in the trial of the action.

(2) If the judge of the criminal, common law and equity division is not available or is disqualified to sit in any inquest

concerning the condition of the mind or mental faculty of any person, the judge of the common law and equity division may enter the necessary orders and preside at the trial of the case. The judge of the common law and equity division also may preside at the trial of any such inquest proceeding upon the request in writing of the judge of the criminal, common law and equity division, entered upon the order book where the record of such proceedings is recorded.

(3) If in any action both judges are disqualified, or if in any criminal action the judge of the criminal, common law and equity division is disqualified, a special judge shall be selected as provided by law.

By Senator Hanratty.

S. B. No. 170. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to the subject of Officers for the State at Large, amending sections 84, 85, 87, 91, 92, 93, and 95 thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Constitution of the Commonwealth of Kentucky be amended in relation to the subject of Officers for the State at Large so that the following sections thereof shall read as follows:

"Sec. 84. Should the Governor be impeached and removed from office, die, refuse to qualify, resign, or be, from any cause, unable to discharge the duties of his office, the Lieutenant Governor shall exercise all the power and authority appertaining to the office of Governor until another be duly elected and qualified, or the Governor shall be able to discharge the duties of his office. On the trial of the Governor, the Lieutenant Governor shall not act as President of the Senate or take part in the proceedings, but the Chief Justice of the Court of Appeals shall preside during the trial."

"Sec. 85. A President pro tempore of the Senate shall

be elected by each Senate as soon after its organization as possible, the Lieutenant Governor vacating his seat as President of the Senate until such election shall be made; and as often as there is a vacancy in the office of President pro tempore, another President pro tempore of the Senate shall be elected by the Senate, if in session. And if, during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached and removed from office, refuse to qualify, resign, die, or be, from any cause, unable to discharge the duties of administering the government, the President pro tempore of the Senate shall in like manner administer the government; Provided, whenever a vacancy shall occur in the office of Governor before the first two years of the term shall have expired, a new election for Governor shall take place to fill such vacancy."

"Sec. 87. If the Lieutenant Governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be, from any cause, unable to discharge the duties of administering the government during the recess of the General Assembly, if there be no President pro tempore of the Senate, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for the purpose of choosing a President; and until a President is chosen, the Secretary of State shall administer the government. If there be no Secretary of State to perform the duties devolved upon him by this section, or in case that officer be absent from the State, then the Attorney-General, for the time being, shall convene the Senate for the purpose of choosing a President, and shall administer the government until a President is chosen."

"Sec. 91. An Auditor of Public Accounts and an Attorney-General shall be elected by the qualified voters of the State at the same time the Governor is elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of these officers shall be such as may be prescribed by law and as may properly appertain to the

offices. These officers shall enter upon the discharge of their duties the first Monday in January after their election and shall hold their offices until their successors are elected and qualified."

"Sec. 92. The Attorney-General shall have been a practicing lawyer eight years before his election, and be a member in good standing of the Bar of Kentucky."

"Sec. 93. The Attorney-General and the Auditor of Public Accounts shall be ineligible for the succeeding four years after the expiration of the term for which they shall have been elected. Other State officers, not specifically provided for in this Constitution, shall have such qualifications, and may be appointed or elected in such manner for such reasonable term of years, as may be prescribed by law."

"Sec. 95. The election under this Constitution for Governor, Lieutenant Governor, Auditor of Public Accounts and Attorney-General, shall be held on the first Tuesday after the first Monday in November, nineteen hundred and fifty-five, and the same day every four years thereafter."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

By Senator Hanratty.

S. B. No. 171. AN ACT to amend Section 135 of the Constitution of the Commonwealth of Kentucky relating to the subject of the Judicial Department.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Constitution of the Commonwealth of Kentucky be amended in relation to the subject of The Judicial Department so that Section 135 thereof shall read as follows:

"Sec. 135. No courts save those provided for in this Constitution shall be established, except that the General Assembly may establish, where needed, courts for the purpose of dealing with juveniles, domestic relations, traffic laws, or minor civil disputes; and further, if it deems necessary, the General Assembly may continue, limit, change or abolish the civil or criminal jurisdiction of the present magistrate or Justice of the Peace courts. The General Assembly may also establish a court (to relieve the Franklin Circuit Court), having the powers of a circuit court, with jurisdiction coextensive with the Commonwealth in civil litigation affecting the Commonwealth and in proceedings on appeal from departments, agencies, boards or commissions of the Commonwealth, which court shall be a court of continuous session of record at the seat of government, but shall hold sessions at such other places in the Commonwealth as the court shall determine to be most convenient for the litigants and the public generally.

Judges and other officials of any such additional courts established hereunder shall have such qualifications and be elected or appointed for such reasonable terms of years as may be prescribed by law."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

By Senator McCann.

S. B. No. 172. AN ACT relating to time.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The standard of time which shall apply to and govern all laws, regulations and rules relating to the time of performance of any act by any officer or department of the Commonwealth, or of any county, city or subdivision or agency thereof, or relating to the time that any right shall accrue or determine, or within which any act shall or shall not be performed by

any person subject to the jurisdiction of the Commonwealth, and in all the public schools and institutions and on the public works of the Commonwealth or any county, city or district thereof, and in all contracts or choses in action made or to be performed in the Commonwealth shall be sun or apparent time. For purposes of this Act, sun or apparent time shall mean that time ascertained by the addition of thirty minutes to the standard central time established and prescribed by the Interstate Commerce Commission of the Federal government.

Section 2. Section 2.150 of the Kentucky Revised Statutes is repealed.

By Senator Shaikun.

S. B. No. 173. AN ACT relating to sewers and drains in counties in which metropolitan sewer districts have been established.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The county court of any county in which a metropolitan sewer district has been established, upon petition of twenty five per cent of the resident freeholders therein may establish a sewer construction district for the purpose of providing sewers and/or drainage facilities to serve the district. The petition shall describe the territory intended to be included in the district, and the sewer and drainage conditions and facilities existing in this territory.

Section 2. When the petition is filed the County Clerk shall give notice of the filing by publication in three issues of a newspaper of general circulation in the county and by posting notices in three public places within the proposed district. Within thirty days after the first publication, any free-holder of the proposed district may file objections, and the court shall set the case for hearing at the first rule day after expiration of said thirty days. If the court finds that the establishment of such district is reasonably necessary for the public health, convenience and comfort of the resi-

dents of the district, it shall make an order establishing the district and designating it by name and number.

Section 3. If the court finds that the district is not necessary, it may dismiss the petition. If the court finds that any part of the territory will not be benefitted, it may strike such part.

Section 4. Any party may appeal to the Circuit Court from the order establishing a district or dismissing the petition or striking or refusing to strike any territory from the district. From a decision of the Circuit Court any party may appeal to the Court of Appeals.

Section 5. The District shall not include the whole or any part of any incorporated city or any sanitation district or metropolitan sewer district except with the consent of the legislative or managing board of such city or district. With such consent, the resident property owners of such city or district will be considered as individual free-holders within the sewer construction district.

Section 6. If the court orders such district established, the court shall appoint three commissioners, from among the residents of the sewer construction district. One of the commissioners shall be appointed for a term of two years, one for a term of three years and one for a term of four years from the date of first appointment. Upon expiration of the term of office of each of these commissioners, the county court shall appoint a commissioner to succeed him, to serve for a term of four years. The commissioners shall elect a chairman, a secretary and a treasurer.

Section 7. The commission thereby created shall be the governing body of the sewer construction district and shall be a body corporate, with power to contract and be contracted with, to sue and be sued and to adopt a corporate seal.

Section 8. The powers of the commission shall be:

(1) To construct, operate and maintain a sewerage and/or drainage system and sewers and drains within the

boundaries of the sewer construction district, or to contract with a metropolitan sewer district for such construction, operation and/or maintenance.

(2) To provide for disposition of the sewage and/or drainage, and for treatment of sewage, either through its own facilities or by contract with the metropolitan sewer district.

(3) To clean out, straighten, alter, deepen, fill up or otherwise improve any stream, water-course receiving sewage, liquid wastes or drainage, located in or out of the district.

(4) To construct, operate and maintain trunk sewers, intercepting sewers, laterals, siphons, pumping stations, sewage treatment and disposal works necessary for the purposes of the district, through its own facilities or by contract with the metropolitan sewer district.

(5) To hold, control, acquire by purchase, donation or condemnation any real or personal property necessary for location, construction, operation or maintenance of its works and improvements and easements for rights of way.

(6) Upon completion of construction of any integral part of the sewer or drainage system, to contract for the operation and maintenance of its works and improvements or easements for rights of way.

(7) Upon completion of construction of any integral part of the sewer or drainage system, to contract for the operation and maintenance of, and extensions to, such part of the system, with the metropolitan sewer district on a service basis for the users, or, with the approval of the court, to have the territory in such part of the sewer construction district incorporated into the metropolitan sewer district for service as provided to other property within said metropolitan sewer district.

Section 9. The commission shall, before entering upon any construction work or any contracts therefor, make a survey of the territory within the district, and report to

the Court as to plans for sewer and/or drainage construction and as to the estimated cost thereof, with recommendations as to whether or not such construction is economically feasible. With such report shall be submitted a report and certification from the metropolitan sewer district as to whether or not the project is feasible from a technical and economic standpoint.

Section 10. When such report is filed, the clerk shall, within five days, cause notice of the filing of the report to be published in three issues of a newspaper of general circulation in the county, and post notices in three public places within the sewer construction district. The proceeding shall be docketed for the first day of the next term of the county court which does not start within twenty days from the first published notice. Property owners may file exceptions to said report at any time up to the day the proceeding is docketed. The court may hear the proceeding on that day, unless further time be required.

Section 11. If a plan for construction of sewers and/or drains is approved by the court, the commissioners shall then examine the real estate in the sewer construction district that may be affected or benefitted by construction and operation of such sewers or drains included in such approved plans, and shall classify the land into such number of classes as the commission deems advisable, and shall report its classification and the ratio of benefits for each class, from such sewers or drains to be constructed. This report as to classification shall include a general description of the land in each class with the names of the owners.

Section 12. When this report of classification of benefits is filed, the clerk shall, within five days, cause notice of the filing of same to be published in three issues of a newspaper of general circulation in the county, and shall post notices in three public places within the sewer construction district. The proceeding shall be docketed for the first day of the next term of the county court which does not start within twenty days from the first published notice. Property owners may file exceptions to said report at any time up to

the day the proceeding is docketed. The court may hear the proceeding on that day, unless further time be required.

Section 13. An order of the court confirming, modifying or disapproving a report of commissioners of sewer construction district as to a plan of construction or as to classification of property or ratio of benefits may be appealed to the circuit court by the commission or any property-holder. In the circuit court the appeal shall be docketed on the equity docket and the trial shall be de novo. Decisions of the circuit court may be appealed to the Court of Appeals.

Section 14. When the classification and ratio between classes on any specific plan, has been finally determined, the commission may carry out the plan itself, or contract for construction of said sewers and/or drains included in the plan by the metropolitan sewer district or otherwise.

Section 15. When the cost of construction of the planned sewers and/or drains has been ascertained, the commission shall assess the property benefitted in accordance with the classification and area or other basis previously determined. From that date the assessment shall constitute a lien against the property. The land-owner may pay the assessment in full at any time within 30 days after notice of assessment. Every property-owner not paying the full amount of his assessment within 30 days shall be presumed to have consented to the issuing of sewer construction bonds.

Section 16. (1) If all assessments are not paid in full by thirty days after notice of assessment, the commission may issue bonds for the amount of the unpaid assessments, and shall give notice that it proposes to issue bonds, giving the amount of bonds to be issued, and the time they will become payable.

(2) At the expiration of thirty days after the publication, the commission may divide the unpaid assessments into not less than ten annual installments, which shall draw interest at the rate of not more than six percent per annum,

payable annually, from thirty days after the date of publication. The bonds shall mature in series to correspond with the installments into which the unpaid assessments are divided, and shall draw interest at the rate of not more than six per cent per annum, payable annually, and be payable at some place to be designated by the commission. The bonds shall be for the exclusive use and benefit of the sewer construction and shall designate on the face the name of the district and the purpose for which they were issued.

(3) The commission, in dividing the unpaid assessments into installments, shall fix the time for payment, and each land-owner shall pay the installments due on his land, with interest due on that installment and deferred installments, to the treasurer of the commission on or before the time fixed by the commission for the maturity of the installment.

(4) Enforcement of payment of assessment and interest shall be by suit.

Section 17. On completion of collection of assessments, distribution of funds and retirement of all bonds, a sewer construction district may be dissolved by order of the county court.

Section 18. The Commissioners shall give bond in such amount as the Court may require. The Treasurer shall give bond in such amount as the Commission may require.

The County Attorney shall represent the Commission, but the Commission may employ additional counsel when the amount of its legal work requires this.

Section 19. The creation of a sewer construction district, and the carrying out of its corporate purposes are in all respects in the interest of public health and for a public purpose. A sewer construction district performs a governmental function in the exercise of the powers conferred upon it, and it shall be required to pay no taxes or assessments upon any property owned or acquired by it, or upon its activities in the operation and maintenance of its facili-

ties. Bonds issued by a sewer construction district and income therefrom are exempt from taxation.

By Senator Shaikun.

S. B. No. 174. AN ACT relating to sewer and drainage facilities in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Where adequate sewers or drains have not been constructed in any territory annexed to a city of the first class since July 1, 1946, the city legislative body may, by ordinance, on recommendation of the director of works, or of the board of a metropolitan sewer district if such city be in such a district, construct branch or lateral lines within such territory to connect with the city's sewer or drainage system.

Section 2. When such sewers or drains are located in a public street or alley, the construction thereof shall be at the exclusive cost of the owners of land as provided in Section 93.370 Kentucky Revised Statutes as to improvement of streets or alleys. When such sewers or drains are located in rights-of-way other than in public ways, the ordinance shall describe the particular territory to be served by the sewers or drains, and the cost shall be allocated to said territory.

The other provisions of Chapter 93 Kentucky Revised Statutes applicable to streets and alleys shall apply to such construction of sewers and drains, except that the actual construction work shall be done by, or under the control of, the metropolitan sewer district.

Section 3. When completed any such sewers or drains shall become a part of the City's sewer and drainage system, subject to charges for service the same as from other parts of said system.

By Senator Shaikun.

S. B. No. 175. AN ACT relating to sewer and drainage facilities in cities of the first class and in counties containing such cities, amending and re-enacting Sections 76.030, 76.080, 76.130, 76.170, and 76.180, Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That sub-section (3) of Section 76.030 Kentucky Revised Statutes be amended and re-enacted, so that said Section 76.030, as amended and re-enacted, shall read as follows:

76.030 **Board of district; membership, appointment, qualifications, terms, vacancies, removal, compensation.** (1) The business, activities, and affairs of such district shall be managed, controlled and conducted by a board composed of five members, three of whom shall be appointed by the mayor of such city subject to the approval of the city legislative body, and two of whom shall be appointed by the county judge of such county subject to the approval of the fiscal court, and which five members thus appointed shall constitute the board of such district. Not more than three members of the board shall be affiliated with the same political party.

(2) Each such member shall be at least twenty-five years of age; each appointed by the mayor shall be a resident of such city and wherein he shall have actually continuously resided for at least three years next prior to appointment; each appointed by the county judge shall be a resident of such county outside the limits of the city and wherein he shall have actually continuously resided for at least three years next prior to appointment. No officer or employee of such city or county, whether holding a paid or unpaid position, shall be eligible for appointment as a member of such board.

(3) On the first day of July, 1946, or as soon thereafter as may be practicable, the mayor, subject to the ap-

proval of the city legislative body shall appoint one member for a term of two years, one member for a term of three years, and one member for a term of four years, and the county judge, subject to the approval of the fiscal court, shall appoint one member for a term of three years and one member for a term of four years, and upon the expiration of each of said terms respectively and thereafter, the term of each of such members shall be four years, ending on July first. A member is eligible to succeed himself, and shall continue in office until his successor has been appointed and qualified. Vacancies in the membership shall be filled for the unexpired portion of the term by the mayor or the county judge as the case may be, subject to the same approval.

(4) Any member of the board appointed by the mayor may be removed by the mayor, for cause, after hearing by the mayor, and after at least ten days' notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the mayor shall be final and removal results in vacancy in such office. Any member of the board appointed by the county judge may be removed by the county judge, for cause, after hearing by the county judge, and after at least ten days' notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the county judge shall be final and removal results in vacancy in such office.

(5) The members of the board shall be paid ten dollars for each meeting of the board attended by such member, but no member of said board shall be paid more than two hundred and forty dollars during any fiscal year of the board, nor for more than twenty-four meetings held during any fiscal year of said board.

Section 2. That an additional sub-section be added to Section 76.080 as sub-section (12) thereof, so that said Section 76.080, as amended, shall read as follows:

76.080 **General powers of district; rates; rentals and charges subject to approval of city legislative body.** The district created under the provisions of this chapter is empowered:

(1) To have jurisdiction, control, possession, and supervision, of the existing sewer and drainage system of such city of the first class; to maintain, operate, reconstruct, and improve the same as a comprehensive sewer and drainage system, and to make additions, betterments, and extensions thereto, within the corporate limits of such city of the first class and within the limits of the county containing such city beyond such city limits, and to have all the rights, privileges, and jurisdiction necessary or proper for carrying such powers into execution. No enumeration of powers in this chapter shall operate to restrict the meaning of this general grant of power or to exclude other powers comprehended within this general grant.

(2) To prepare or cause to be prepared and to be thereafter revised and adopted, plans, designs, and estimates of costs, of a system of trunk, intercepting, connecting, lateral, and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works, and all other appliances and structures, which in the judgment of the board will provide an effective and advantageous means for relieving such city of the first class and areas in the county in which such city is located outside the city limits which may be embraced in the district, from inadequate sanitary and storm water drainage and from inadequate sanitary disposal and treatment of the sewage thereof, or such sections or parts of such system as the board may from time to time deem proper or convenient to construct, consistent with the plans and purposes of this chapter, and is authorized and empowered to take all such steps as the board may deem proper and necessary to effect the purposes hereof.

(3) To construct any additions, betterments, and extensions to the facilities of the district, by contract or contracts, or under, through, or by means of its own officers,

agents, and employees. Provided, however, that before any construction of new sewers or the extension of any existing sewers is begun, the plans for all such projects shall, if said project is within the corporate limits of the City of Louisville, be first submitted to the Director of Works of the City of Louisville for approval by him, and, if so approved, then to be approved by ordinance adopted by the Board of Aldermen of the City of Louisville; and if said project is outside the corporate limits of the City of Louisville, the plans therefor shall then be first approved by the County Engineer of Jefferson County, and, if approved by him, then to be approved by proper action of the Fiscal Court of Jefferson County, except that if said project is without the corporate limits of the City of Louisville but within the corporate limits of any incorporated city, drainage district, or other political subdivision within Jefferson County, then such prior approval shall be obtained from the governing authorities of any such political subdivisions or district.

(4) To establish, construct, operate and maintain, as a part of the sewer and drainage system of the district, sewage treatment and disposal plants and systems and all the appurtenances and appliances thereunto belonging. Such sewage treatment and disposal plants may be located in the city, or beyond the limits of the city in the county in which the city is located, as the board may deem expedient.

(5) To acquire and hold such personal property as the board may deem necessary and proper for carrying out the corporate purposes of the district and to dispose of personal property when the district has no further need therefor.

(6) To acquire by purchase, gift, lease, or by condemnation, such real property or any interest, right, easement, or privilege therein, as the board may determine necessary, proper and convenient for the corporate purposes of the district, and to use the same so long as such corporate existence shall continue, and same is necessary or useful for the corporate purposes of the district. Condemnation proceedings may be instituted in the name of the district pur-

suant to a resolution of the board declaring the necessity for the taking, and the method of condemnation shall be the same as provided in KRS 416.120. When the board by resolution declares that any real property which it has acquired, or any interest therein, is no longer necessary or useful for the corporate purposes of the district, such real property and interest therein may be disposed of.

(7) To make by-laws and agreements for the management and regulation of its affairs and for the regulation of the use of property under its control and for the establishment and collection of sewer rates, rentals and charges, which sewer rates, rentals and charges, applicable within the limits of a city of the first class, shall be subject to the approval, supervision and control of the legislative body of such city as hereinafter provided.

(8) To make contracts and execute all instruments necessary or convenient in the premises.

(9) To borrow money and to issue negotiable bonds and to provide for the rights of the holders thereof.

(10) To fix and collect sewer rates, rentals, and other charges, for service rendered by the facilities of the district, which sewer rates, rentals, and other charges, applicable within the limits of a city of the first class, shall be subject to the approval, supervision and control of the legislative body of such city as hereinafter provided.

(11) To enter on any lands, waters and premises for the purpose of making surveys, and soundings and examinations.

(12) To approve or revise the plans and designs of all trunk, intercepting, connecting, lateral and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works proposed to be constructed, altered or reconstructed by any other person or corporation, private or public, in any city of the first class or county containing such city. No such sewers, drains, pumping or ventilating stations, or disposal or treatment plants or works shall be constructed or reconstructed with-

out approval by the Board of the District. Any such work shall be subject to inspection and supervision of the District.

Section 3. That Section 76.130 Kentucky Revised Statutes be amended and re-enacted so as to read as follows:

73.130 **Deposit and paying out of monies of District.** All monies of the District, from whatever source derived, shall be paid to the Secretary-Treasurer. Such monies shall be deposited in the name of the District by the Secretary-Treasurer, in one or more banks or trust companies, situated in the county in which said city is located, having a capital and surplus of not less than $500,000. The District may require that any or all such deposits be continuously secured by the pledge of direct obligations of the United States of America, having such value as may be satisfactory to the District. Such securities shall either be deposited with the Secretary-Treasurer or be held by a trustee or agent satisfactory to the District. In lieu of any such pledge of such securities, such funds may be secured by corporate surety bond or bonds, which shall be in form, sufficiency, and substance satisfactory to the District. All banks and trust companies are authorized to give such security for such deposits. The monies in such accounts shall be paid out by the Secretary-Treasurer on warrants signed by the Secretary-Treasurer and countersigned by the Chairman or vice-Chairman of the Board, or signed and countersigned by such other person or persons as the Board may from time to time designate by resolution.

Section 4. That sub-section (1) of Section 76.170 be amended and re-enacted to read as follows:

76.170 **Extension of district to unincorporated or incorporated territory outside limits of city of first class.** (1) The initial unit of the district embraces the area that is coterminous with the boundaries of the city of the first class, subject to extension in the county beyond the boundaries of such city, as in this chapter provided. Where such a metropolitan district has been formed to include a city of the first class, any territory annexed to such city shall thereby immediately become a part of the district. The district may con-

struct and extend its initial sewer and drainage system and facilities beyond the corporate limits of such city of the first class and within the county in which such city is located whenever the district and the owner or owners of real property to be served and located outside the limits of such city, by appropriate written instrument, agree as to apportionment of any and all costs of construction work, subsequent maintenance and operation appertaining thereto, and as to payments by the owner or owners of such real property, of rates, rentals and charges, for the services and facilities to be thus afforded. Thereupon such real property served becomes a part of and is embraced in the district. In like manner the district may construct and extent its sewer and drainage system and facilities so as to serve all or any part of any other city or other incorporated area located in the same county, pursuant to a written agreement between the district and such other city or incorporated area approved by their respective governing boards or bodies. All such agreements referred to in this section shall be in appropriate form for recording and shall be filed of record with the county clerk as other instruments relating to transfer of or creating a lien upon real estate. Any such agreements entered into by the district pursuant to this section may provide that the corporate boundaries of the district shall be enlarged and extended so as to include the real property of such other city or incorporated area, or part thereof, to be served pursuant to such agreement, and in such case when such instrument has been filed of record with the county clerk as aforesaid, the corporate boundaries of the district shall be thereby officially enlarged and extended so as to include same.

Section 5. That Section 76.180 Kentucky Revised Statutes be revised and re-enacted so that Section 76.180 as revised and re-enacted will read as follows:

Section 76.180 Rules and regulations. The district created under the provisions of this chapter shall have power to make and promulgate all rules and regulations proper or necessary to regulate the use, operation, and maintenance of property and facilities under its control,

and to carry into effect the powers granted the district by this chapter. The jurisdiction of the district shall extend beyond the corporate boundaries thereof for regulation of any sewers, drains or water courses, which by natural flow, or otherwise, empty into or flow through any part of the district or the district facilities, or are used by the District or flow through or are constructed in the county in which such district exists.

By Senator Montgomery.

S. B. No. 176. AN ACT providing mileage for sheriffs in the various counties of the Commonwealth of Kentucky for the mileage traveled in the service of notices, subpoenas, and summons.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each sheriff or deputy acting under each sheriff in each county executing a notice, subpoenas or summons shall be paid his expenses in the service of such papers through the payment of miles traveled by such sheriff or deputy sheriff at the rate of seven cents per mile.

Section 2. The sheriff shall be paid the mileage by the litigants in any criminal or civil action at the time of the delivery of such notice, subpoena or summons.

Section 3. If such litigant is financially unable to make such payments, he may take the oath in "Forma Pauperia."

Section 4. Whereas, economic conditions have created a situation which makes it vital that the officers affected by this Act receive the increased expense allowance provided herein at the earliest possible date, an emergncy is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

By Senator Montgomery.

S. B. No. 177. AN ACT relating to the fees of sheriffs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.090 of the Kentucky Revised Statutes is amended to read as follows:

Sheriffs may charge and collect for the following services the following fees:

Executing and returning process $1.00
Serving an order of court and return 1.00
Summoning each witness ..... .50
Summoning an appraiser or reviewer ..... .40
Each day's attendance in the county on a jury or attending a surveyor, when ordered by a court 1.00

Taking any bond that he is authorized or required to take in any action 1.00

Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, 6% on the first $300 and 3% on the residue; when he levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by the order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case.

Taking a recognizance of a witness ..... $ .50
Levying an attachment 1.50

When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court.

Summoning a garnishee $1.00

Summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail, to be paid by the party convicted 5.00

Serving process or arresting the party in misdemeanor cases, to be paid by the plaintiff 6.00

Serving an order or process of revivor 1.00

Executing a writ of possession against each tenant or defendant 6.00

Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission.

Summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses 5.00

Collecting militia fines and fee-bills, 10%, to be deducted out of the fee-bill or fine.

Levying for a fee-bill 1.00

Serving a notice 1.00

Serving warrants or process of arrest in bastardy cases 5.00

Serving each order appointing surveyors of roads, to be paid out of the county levy ..... .50

Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant .. .50

Like services in cases of private passways, to be paid by the applicant ..... .50

Services rendered in cases in the quarterly courts, the same fees given to constables in all cases where the amount claimed is $50 or under.

Executing each writ of habeas corpus, to be paid by the petitioner 1.00

All services under a writ issued under KRS 381.460 to 381.570 ..... 4.00

Attending by himself or deputy all terms of the county courts, and quarterly courts and the allowance per day, shall be allowed by the county judge and paid out of the county levy, not exceeding 4.00

Attending by himself or by deputy and keeping order in the Circuit Court, to be paid out of the State Treasury, for each day 6.00

Performing the duties of jailer, the same fees and allowances that are prescribed for jailers.

For services in summoning Grand and Petit Jurors and performing his duties under Section 29.160, Section 29.170 and Section 29.280 the sheriff shall be allowed, for each person so summoned, and paid out of the State Treasury the sum of ..... .50

By Senator Montgomery.

S. B. No. 178. AN ACT relating to the allowance to sheriffs for patrol duties and inspection of dance halls, road houses and other places.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 70.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each sheriff performing the duties required under the provisions of KRS 70.150 and 70.160 shall be allowed an amount not exceeding $1500.00 annually for such services. The exact amount shall be determined at the rate of seven cents per mile for the mileage actually traveled, such mileage to be determined by the Department of Finance from affidavits and other proof required to be submitted, and shall be paid out of the State Treasury.

(2) The allowance authorized in subsection (1) shall be considered as operating expenses of the sheriff's office and shall not be considered as part of his compensation.

Sec. 2. Whereas, economic conditions have created a situation which makes it vital that the sheriffs receive the economic relief provided herein at the earliest possible date, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

By Senator Shaikun.

S. B. No. 179. AN ACT relating to tuberculosis sanatoria operated by city-county boards of health in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (a). Any city-county board of health established under KRS 212.350 to 212.610 that operates a tuberculosis sanatorium, shall be entitled to receive funds appropriated by the General Assembly for the operation of such sanatorium in accordance with the formula established in KRS 215.320 for District Tuberculosis Sanatoria.

(b). Any such city-county board of health that desires to avail itself of the benefits authorized herein shall make application therefor in the manner prescribed by KRS 215.340 for applications by tuberculosis districts for state aid.

Sec. 2. The State Board of Health shall exercise visitation, inspection and regulation of tuberculosis sanatoria operated by city-county boards of health to the same extent as provided in KRS 215.350 with respect to district tuberculosis sanatoria.

Ordered that said bills be printed and referred.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills and a resolution which originated in that body of the following titles, viz:

H. B. No. 78. AN ACT relating to advance fees of circuit clerks, amending Section 64.036 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.030 of Kentucky Revised Statutes is amended to read as follows:

Unless the plaintiff has established his right to prosecute as a poor person under K. R. S. 453.190, each circuit clerk shall, when each original action commencing with original process in his respective court is filed, collect ten dollars and apply it as a credit on the clerk's cost accruing in such action or suit.

H. B. No. 123. AN ACT relating to bail.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 72 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

Admission to bail is an order from competent court, magistrate, or circuit court clerk, that the defendant be discharged from actual custody on bail.

Section 2. Section 73 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

The taking of bail consists in the acceptance by a competent court, magistrate, circuit court clerk, or officer, of the undertaking of sufficient bail for the appearance of the defendant according to the terms of the undertaking, or that the bail will pay to the Commonwealth the specified sum.

Section 3. Section 81 of Carroll's Kentucky Criminal Code of Practice is amended to read as follows:

If the defendant be committed to jail, and the application for bail be made to a magistrate or judge of the circuit court during vacation, it must be by written petition, signed by the defendant or his counsel, briefly stating the offense for which he is committed, and naming the persons offered as bail. In all other cases, the application may be made orally to the court, magistrate, circuit court clerk, or officer.

H. B. No. 139. AN ACT concerning stockyards.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(b) "Department" means the Department of Agriculture, Labor and Statistics;

(c) "Stockyard" means a livestock yard, market place, consentration point, packing plant or any other place where livestock is bought and sold but does not apply to private sales of livestock being transmitted beyond the market zone;

(d) "Market Zone" means the area surrounding a public market, defined by the Commissioner for the purposes of this Chapter.

(e) "Owners and Operators" means the persons responsible for the operation of a stockyard.

(f) "Livestock" means cattle, calves, swine, sheep and goats.

Section 2. The department shall administer and enforce the provisions of this chapter and shall enforce, with respect to stockyards, all laws for the control and eradication of communicable disease in livestock. The department may adopt such reg-

ulations as may be necessary to carry out the provisions of this chapter.

Section 3. The commissioner shall employ such inspectors and other employes as are necessary for the enforcement of this chapter. Their duties and compensation shall be prescribed by the commissioner.

Section 4. The commissioner shall establish and define in the area surrounding every public market a market zone within the boundaries of which it shall be unlawful for any person to buy, sell or exchange any livestock unless such person shall comply with the provisions of this chapter. The provisions of this section shall not apply to livestock that has been duly received and penned.

Section 5. (1) The owner or operator of a stockyard shall file with the department an application for a license to operate such business under the provisions of this chapter. In instances where two or more stockyards are owned or operated by the same person, a separate application for a license shall be filed for each stockyard. The application shall state the nature of the business to be conducted at the stockyard, the city, county and complete postoffice address at which the business is to be conducted, together with such additional information as the commissioner may require. Applications shall be made on forms to be provided by the commissioner.

(2) In the case of applications for licenses to operate stockyards not in existence upon the effective date of this chapter, any such application shall be accompanied by a detailed copy of the plans and specifications of such stockyard and premises and the applicant must show the existence of a necessity for the establishment of a stockyard at the proposed location.

Section 6. Before issuing a license the department shall investigate the necessity for a stockyard at the applicant's location and shall inspect the stockyard. The department may refuse to issue a license if it is found that there is no necessity for a stockyard at applicant's location or that applicant has failed to comply with the provisions of this chapter or with the provisions of Chapter 257 of the Kentucky Revised Statutes.

Section 7. (1) The owner or operator of each stockyard shall pay an annual license fee of $50.00 plus $20.00 for each scale operated in excess of one.

(2) All license fees collected under this chapter shall be paid into the State Treasury for the use of the department to defray the expense of enforcement of this chapter.

Section 8. The department may revoke any stockyard license for violation of any provision of this chapter or any provision of Chapter 257 of the Kentucky Revised Statutes or at any time when the necessity for the existence of the stockyard at the licensed location no longer exists.

Section 9. The owner or operator of each stockyard shall file, at the beginning of each month, a sworn statement with the department showing the exact number of livestock received at the stockyard for sale during the preceding month. Such statements shall be made on forms furnished by the department.

Section 10. The owner or operator of each stockward shall withhold from any money payable to the owner of livestock sold at such stockyard a fee of one cent per head on all swine, sheep and goats and three cents per head on all cattle and calves and shall remit such fees collected to the State Treasury for deposit in a revolving fund to be used by the department to defray the expense of administration of this Act.

Section 11. The owners or operators of stockyards which do not operate under the provisions of the Federal Packers and Stockyards Act of 1921 shall furnish a bond payable to the department for the benefit of any farmer to whom such owner or operator is unable to pay for livestock received. Said bond shall be in an amount equal to the sum of two average days' receipts but shall be for not less than $2,000 nor more than $50,000 plus ten percent of the excess.

Section 12. All scales used in stockyards shall be of a type registering beam scale with balance indicators. Such scales shall be tested every six months by a scale agency approved by the department and certification of such scales shall be exhibited before issuance or renewal of a stockyard license.

Section 13. The owner or operator of a stockyard shall furnish a bond to the department in the sum of $1,000 with surety to be approved by the department conditioned on the faithful performance by its weighmen of their duties. If any weighman willfully misrepresents or attempts to misrepresent the weight of any animal, the bond shall be forfeited and the proceeds paid into the State Treasury and be credited to the General Fund.

Section 14. (1) Any person who violates the provisions of section 4 of this chapter shall be guilty of a misdemeanor punishable by a fine of not less than fifty dollars nor more than two hundred dollars for the first offense and not less than four hundred dollars nor more than one thousand dollars for each subsequent offense.

(2) Any person who violates the provisions of section 13 or who attempts by any means to induce a weighman to falsely report the weight of any animal, shall be guilty of a misdemeanor and shall be punished by a fine or not less than ten thousand dollars or imprisonment for not more than five years, or both.

(3) Any person who violates any provision of section 9 shall be fined not less than twenty-five dollars nor more than one hundred dollars. Each failure to file the monthly report required by Section 9 shall constitute a separate offense.

(4) Any person who violates any provisions of this chapter for which no other penalty is provided, or who violates any regulation of the department, or who refuses to pay the fees herein provided, shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than three months or both.

H. Res. No. 34. A RESOLUTION directing the Judicial Council to conduct a study of the divorce laws of this state, and other matters, and submit a report and proposed legislation to the 1954 General Assembly.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Kentucky Judicial Council is directed

to make a thorough investigation of the existing divorce laws of this and other states and submit to the 1954 General Assembly a written report of its findings accompanied by proposed legislation revising the divorce laws. In connection with its investigation of the divorce laws, the Judicial Council shall also investigate the so-called "Family Courts" which are being so successfully employed in many states to handle domestic relations and shall incorporate in its report its findings concerning such courts. The Judicial Council may, in its proposed legislation revising the divorce laws, incorporate, insofar as possible under the existing Constitutional restrictions, provisions relating to a "Family Court."

Section 2. That the staff and facilities of the Legislative Research Commission be available to the Judicial Council for use in carrying out its duties under this Resolution.

Ordered that said bills and resolution be printed and referred.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 11. AN ACT relating to terms of court in the Fifteenth Judicial District.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate then took up for consideration from the Orders of the Day bills entitled, viz:

S. B. No. 57. AN ACT relating to the practice of dentistry.

S. B. No. 64. AN ACT relating to the duties and liabilities of property owners with regard to the destruction of rats on their premises.

S. B. No. 81. AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

S. B. No. 66. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

H. B. No. 70. AN ACT relating to fertilizer.

H. B. No. 99. AN ACT relating to support of children, amending section 405.020 of the Kentucky Revised Statutes.

H. B. No. 100. AN ACT relating to the Department of Welfare including smoking regulations in the Penal Institutions and Houses of Reform.

H. B. No. 152. AN ACT relating to the ad valorem tax system of the state, counties, cities and other taxing districts.

H. B. No. 101. AN ACT relating to the trust and agency fund of the Metal Stamping Plant in the Department of Welfare.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 115. AN ACT relating to compensation and maintenance of persons performing public services in positions requiring the services of a physician.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	James Lassiter	Clay Shackleford
Louis Cox	C. W. A. McCann	Leon Shaikun
Archie Craft	James R. Mansfield	Cortis K. Stacy
Martin J. Duffy	Earl F. Martin	Paul Stapleton
Wayne Freeman	Strother Melton	Wendell Van Hoose
Julian Golden	Richard P. Moloney	Sylvester Wagner
James P. Hanratty	O. W. Montgomery	John M. Williams
Doug Hays	Jack R. Reynolds	E. V. Withers
Stanley Hoffman		—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 107. AN ACT relating to a sewer district in cities of the second class and in counties containing such cities.

Senator Melton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	C. W. A. McCann	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
James P. Hanratty	O. W. Montgomery	John M. Williams
Doug Hays	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 100. AN ACT relating to a study of the problem

of Alcoholism in the State, providing for an Alcoholic Study Commission and for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

Senator Martin moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	C. W. A. McCann	Paul Stapleton
Louis Cox	James R. Mansfield	Otis C. Thomas
Archie Craft	Earl F. Martin	Wendell Van Hoose
Martin J. Duffy	Strother Melton	Sylvester Wagner
Ernest M. Ford	Richard P. Moloney	Ed P. Warinner
Wayne Freeman	O. W. Montgomery	John M. Williams
Julian Golden	Jack R. Reynolds	E. V. Withers
James P. Hanratty	Freeman Robinson	
Doug Hays	William J. Sample	
Stanley Hoffman	Clay Shackleford	—33

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill

was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 140. AN ACT relating to a Department of Mental Health, and its establishment, organization, personnel, powers, duties, functions, funds and facilities, including provisions for the transfer of functions, funds and facilities from other state departments or agencies.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Wayne Freeman	James Lassiter
Eugene H. Clark	Julian Golden	Homer E. Losey
Augustus Cornett	James P. Hanratty	C. W. A. McCann
Louis Cox	Doug Hays	James R. Mansfield
Archie Craft	Stanley Hoffman	Earl F. Martin
Martin J. Duffy	Dr. J. E. Johnson	Strother Melton
Ernest M. Ford	Alvin Kidwell	Richard P. Moloney

O. W. Montgomery	Cortis K. Stacy	Ed P. Warinner	
Freeman Robinson	Paul Stapleton	John M. Williams	
William J. Sample	Otis C. Thomas	E. V. Withers	
Clay Shackleford	Wendell Van Hoose		
Leon Shaikun	Sylvester Wagner		—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 138. AN ACT relating to the condemnation of property for construction, reconstruction, and maintenance of highways and bridges and facilities related thereto, and repealing KRS 177.075.

Senator Cox moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz;

Those who voted in the affirmative were—

Bernard J. Bonn	Stanley Hoffman	William J. Sample
Eugene H. Clark	Dr. J. E. Johnson	Clay Shackleford
Augustus Cornett	Alvin Kidwell	Leon Shaikun
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	C. W. A. McCann	Otis C. Thomas
Ernest M. Ford	James R. Mansfield	Wendell Van Hoose
Wayne Freeman	Earl F. Martin	Ed P. Warinner
Julian Golden	Strother Melton	John M. Williams
James P. Hanratty	Richard P. Moloney	E. V. Withers
Doug Hays	O. W. Montgomery	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 105. AN ACT relating to the stealing of cattle.

Senator Hanratty moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	James Lassiter	Cortis K. Stacy
Archie Craft	Homer E. Losey	Otis C. Thomas
Martin J. Duffy	C. W. A. McCann	Wendell Van Hoose
Ernest M. Ford	James R. Mansfield	Sylvester Wagner
Wayne Freeman	Earl F. Martin	Ed P. Warinner
Julian Golden	Strother Melton	John M. Williams
James P. Hanratty	Richard P. Moloney	E. V. Withers
Doug Hays	O. W. Montgomery	
Stanley Hoffman	Jack R. Reynolds	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 108. AN ACT changing the classification of the City of Lakeside Park, in Kenton County.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Stanley Hoffman	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	C. W. A. McCann	Wendell Van Hoose
Martin J. Duffy	James R. Mansfield	Sylvester Wagner
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	Strother Melton	John M. Williams
Julian Golden	Richard P. Moloney	E. V. Withers
James P. Hanratty	O. W. Montgomery	
Doug Hays	William J. Sample	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 73. AN ACT relating to the terms of court in the Third Judicial District.

Senator Lassiter moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	C. W. A. McCann	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	Strother Melton	Ed P. Warinner
James P. Hanratty	Richard P. Moloney	John M. Williams
Doug Hays	O. W. Montgomery	E. V. Withers
Stanley Hoffman	Jack R. Reynolds	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 90. AN ACT relating to the use of business records as evidence and to make uniform the law relating thereto.

Senator Duffy moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Homer E. Losey	Clay Shackleford
Eugene H. Clark	C. W. A. McCann	Leon Shaikun
Augustus Cornett	James R. Mansfield	Cortis K. Stacy
Martin J. Duffy	Earl F. Martin	Paul Stapleton
Ernest M. Ford	Strother Melton	Otis C. Thomas
Wayne Freeman	Richard P. Moloney	Wendell Van Hoose
Julian Golden	O. W. Montgomery	Sylvester Wagner
James P. Hanratty	Jack R. Reynolds	Ed P. Warinner
Stanley Hoffman	Freeman Robinson	John M. Williams
Alvin Kidwell	William J. Sample	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 91. AN ACT relating to use of photographic copies of business and public records as evidence.

Senator Duffy moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Homer E. Losey	Clay Shackleford
Eugene H. Clark	C. W. A. McCann	Leon Shaikun
Augustus Cornett	James R. Mansfield	Cortis K. Stacy
Martin J. Duffy	Earl F. Martin	Paul Stapleton
Ernest M. Ford	Strother Melton	Otis C. Thomas
Wayne Freeman	Richard P. Moloney	Wendell Van Hoose
Julian Golden	O. W. Montgomery	Sylvester Wagner
James P. Hanratty	Jack R. Reynolds	Ed P. Warinner
Stanley Hoffman	Freeman Robinson	John M. Williams
Alvin Kidwell	William J. Sample	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Honorable Emerson Beauchamp, President of the Senate, vacated the Chair, whereupon Senator Shaikun assumed the chair and presided over the Senate.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 10. AN ACT relating to the compensation of jury commissioners amending Section 29.060 of the Kentucky Revised Statutes.

Senator Van Hoose moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	James Lassiter	William J. Sample
Eugene H. Clark	Homer E. Losey	Leon Shaikun
Augustus Cornett	C. W. A. McCann	Cortis K. Stacy
Archie Craft	James R. Mansfield	Paul Stapleton
Martin J. Duffy	Earl F. Martin	Otis C. Thomas
Ernest M. Ford	Strother Melton	Wendell Van Hoose
Wayne Freeman	Richard P. Moloney	Ed P. Warinner
Julian Golden	O. W. Montgomery	John M. Williams
James P. Hanratty	Jack R. Reynolds	E. V. Withers
Doug Hays	Freeman Robinson	
Stanley Hoffman		—30

There voted in the negative—

Clay Shackleford —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At this time Senator Shaikun vacated the chair which was assumed by Honorable Emerson Beauchamp, President of the Senate.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 48. AN ACT imposing a penalty for removing or altering numbers on farm tractors or other units of farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

Senator Duffy moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Archie Craft	Julian Golden
Eugene H. Clark	Martin J. Duffy	James P. Hanratty
Augustus Cornett	Ernest M. Ford	Doug Hays
Louis Cox	Wayne Freeman	Stanley Hoffman

Dr. J. E. Johnson	Richard P. Moloney	Otis C. Thomas
Alvin Kidwell	O. W. Montgomery	Wendell Van Hoose
James Lassiter	Jack R. Reynolds	Sylvester Wagner
Homer E. Losey	Freeman Robinson	Ed P. Warinner
C. W. A. McCann	William J. Sample	John M. Williams
James R. Mansfield	Clay Shackleford	E. V. Withers
Earl F. Martin	Cortis K. Stacy	
Strother Melton	Paul Stapleton	—34

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 111. AN ACT relating to the sale of boats and motor vehicles for the purpose of recovering charges and deferred purchase money due thereon, amending section 376.280 of the Kentucky Revised Statutes.

Senator Melton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Freeman Robinson
Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	C. W. A. McCann	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
Julian Golden	Richard P. Moloney	John M. Williams
James P. Hanratty	O. W. Montgomery	E. V. Withers
Doug Hays	Jack R. Reynolds	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 25. AN ACT concerning equipment of vehicles.

Senator McCann moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Homer E. Losey	Clay Shackleford
Eugene H. Clark	C. W. A. McCann	Leon Shaikun
Martin J. Duffy	James R. Mansfield	Cortis K. Stacy
Ernest M. Ford	Earl F. Martin	Paul Stapleton
Wayne Freeman	Strother Melton	Otis C. Thomas
Julian Golden	Richard P. Moloney	Sylvester Wagner
James P. Hanratty	O. W. Montgomery	Ed P. Warinner
Doug Hays	Jack R. Reynolds	John M. Williams
Alvin Kidwell	Freeman Robinson	E. V. Withers
James Lassiter	William J. Sample	—29

There voted in the negative—

Augustus Cornett —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 13. AN ACT concerning the practice of chiropody.

Senator Johnson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Dr. J. E. Johnson	Freeman Robinson
Augustus Cornett	Alvin Kidwell	William J. Sample
Louis Cox	James Lassiter	Cortis K. Stacy
Archie Craft	C. W. A. McCann	Otis C. Thomas
Martin J. Duffy	James R. Mansfield	Sylvester Wagner
Ernest M. Ford	Earl F. Martin	Ed P. Warinner
Wayne Freeman	Strother Melton	John M. Williams
Julian Golden	O. W. Montgomery	E. V. Withers
Doug Hays	Jack R. Reynolds	—26

Those who voted in the negative were—

Stanley Hoffman	Clay Shackleford	Paul Stapleton

—3

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Montgomery moved that the rules of the Senate be suspended for the purpose of making a motion.

Said motion was agreed to.

Senator Montgomery moved that the Clerk of the Senate be instructed to incorporate into the Journal the statement that he, Senator Montgomery, would have voted "yea" at the roll call of HB No. 22, had he been present.

Said motion was agreed to.

Senator Montgomery moved that the Senate do now recess until 3:10 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the chair and presided over the Senate.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of hearing committee reports.

Said motion was agreed to:

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee has examined and found to be correctly enrolled a bill of the following title, viz:

S. B. No. 17. AN ACT abolishing the position of deputy constable, except in counties containing a city of the first or second class.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver the original and enrolled copies of said bills to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

REPORTS OF COMMITTEES

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which said bills had been referred previously, reported bills of the following titles, viz:

H. B. No. 157. AN ACT relating to children, and their

care, custody, treatment and disposition; including provisions as to juvenile courts and as to the jurisdiction and powers of other courts concerning children, and provisions for establishment of agencies and facilities of the state for the administration of state functions regarding children.

S. B. No. 145. AN ACT relating to crimes and punishments.

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

S. B. No. 154. AN ACT authorizing the Governor of the Commonwealth of Kentucky to enter into a compact with any other state or states for mutual assistance in meeting any civil defense emergency or disaster.

H. B. No. 148. AN ACT concerning promotion of agriculture and horticulture.

S. B. No. 153. AN ACT concerning civil defense.

With the expression of opinion that said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Lassiter, Chairman of the Committee on Claims, to which said bill had been referred previously, reported a bill of the following title, viz:

S. B. No. 92. AN ACT relating to confederate pensions.

With the expression of opinion that said bill should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Robinson, Chairman of the Committee on Courts, to which said bill had been referred previously, reported a bill of the following title, viz:

S. B. No. 116. AN ACT relating to crimes and punishment.

With the expression of opinion that said bill should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

REFERRAL OF BILLS

Senator Moloney, Chairman of Committee on Committees announced the following Senate Bills and Resolutions have been referred:

Sen. Bill No. 158 and Sen. Res. No. 15 to Claims

Sen. Bill No. 150 to Compensation for Industrial Injuries

Sen. Bill No. 161 to Constitutional Amendments

Sen. Res. No. 14 to Drains and Ditches

Sen. Bill No. 148 to Education

Sen. Bills No. 156 and 160 to Judiciary and Judicial Council

Sen. Bill No. 144 to Kentucky Statutes No. 1

Sen. Res. No. 16 and Sen. Bills No. 145, 146, 153, 154, 152 to Kentucky Statutes No. 2

Sen. Bills No. 141, 142, 157 to Motor Vehicles Commerce and Common Carriers

Sen. Bills No. 147, 149, 155, 159 to Municipalities

Sen. Bill No. 143 to Public Health

Sen. Res. No. 12 to Revenue and Taxation

H. B. No. 149 to Agriculture and State Fair

H. B. No. 15 to Classification of Cities and Towns

H. B. No. 82 to Judiciary and Judicial Council

H. B. No. 119, No. 127, and No. 153 to Municipalities

H. B. No. 148, No. 63, No. 64, No. 79, No. 52, No. 143, No. 150, No. 104, H. Res. No. 9, S. B. No. 151, and No. 157, to Kentucky Statutes No. 2.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of considering another bill from the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that Senate Bill No. 64 be taken from its place in the Orders of the Day and put upon its passage.

Said motion was agreed to.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Thereupon Senator McCann moved that said Senate Bill No. 64 be tabled, which motion was carried.

The yeas and nays being taken on the tabling of said bill were as follows, viz:

Those who voted in the affirmative were—

Augustus Cornett	C. W. A. McCann	Wendell Van Hoose	
Martin J. Duffy	James R. Mansfield	Sylvester Wagner	
Wayne Freeman	Strother Melton	John M. Williams	
Julian Golden	O. W. Montgomery	Lt. Gov. Emerson Beauchamp	
Doug Hays	Jack R. Reynolds		
Dr. J. E. Johnson	Freeman Robinson		
Alvin Kidwell	Leon Shaikun		—18

Those who voted in the negative were—

Eugene H. Clark	James Lassiter	Paul Stapleton	
Louis Cox	Homer E. Losey	Otis C. Thomas	
Archie Craft	Earl F. Martin	Ed P. Warinner	
Ernest M. Ford	Richard P. Moloney	E. V. Withers	
James P. Hanratty	William J. Sample		
Stanley Hoffman	Clay Shackleford		—16

Senator McCann moved that the vote by which the said bill was tabled be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., February 14, 1952.

Said motion was agreed to.

And then the Senate adjourned.

THURSDAY, FEBRUARY 14, 1952

The Senate convened and was called to order by the President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend Paul S. Stauffer, Pastor of the First Christian Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

Eugene H. Clark	Alvin Kidwell	Clay Shackleford	
Louis Cox	James Lassiter	Leon Shaikum	
Archie Craft	Homer E. Losey	Cortis K. Stacy	
Martin J. Duffy	James R. Mansfield	Paul Stapleton	
Ernest M. Ford	Earl F. Martin	Otis C. Thomas	
Wayne Freeman	C. W. A. McCann	Wendell Van Hoose	
Julian Golden	Strother Melton	Sylvester Wagner	
James P. Hanratty	Richard P. Moloney	Ed P. Warinner	
Doug Hays	O. W. Montgomery	John M. Williams	
W. Thomas Hines	Jack R. Reynolds	E. V. Withers	
Stanley Hoffman	Freeman Robinson		
Dr. J. E. Johnson	William J. Sample		—34

The following Senators were absent—

Stanley Blake	Augustus Cornett	Bert Kiser	
Bernard Bonn			—4

Senator Kidwell moved that the reading of the Journal of the Senate of the proceedings for Wednesday, February 13, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF RESOLUTIONS AND BILLS

Resolutions and bills of the following titles were introduced, viz:

By Senator Moloney.

S. Res. No. 17. A RESOLUTION directing the Legislative Research Commission to make a study and report concerning mentally afflicted sexual offenders.

Said resolution is as follows, viz:

*Be it resolved by the General Assembly of the Commonwealth of Kentucky*s

That the Legislative Research Commission is directed to conduct a thorough survey and investigation concerning psychiatrically deviated sexual offenders, and shall make a report, including its findings, recommendations for care and treatment and for proposed legislation, to the 1954 General Assembly.

By Senator Martin.

S. Res. No. 18. A RESOLUTION authorizing Boyd Baugh to sue the Commonwealth of Kentucky and the Commissioner of Highways of the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

STATE OF KENTUCKY
COUNTY OF OHIO

The affiant, Boyd Baugh, states that he is a resident of Ohio County, Kentucky, and over 21 years of age. He states that he is the owner of a tract of land on which his home is located, immediately adjacent to and adjoining State Highway No. 369, known as the Beaver Dam-Rochester Road in Ohio County, Kentucky. Affiant states that said road was constructed by the engineers and agents of the Commissioner of Highways of the Commonwealth of Kentucky and that the same was cut through land owned by the affiant. That his home is situated not more than 100 feet from said highway.

Affiant states that the Maintenance Division of the Department of Highways has allowed the drainage on said highway to

fill with accumulated dirt, earth, refuse and other material to the extent that the drainage is completely filled and water draining from the hills surrounding said highway washes across said highway and across his land and has washed the foundation from beneath his residence causing extensive damage to the same, all of which has occurred within the past 12 months. Affiant states that the damage to his residence and land is a direct and proximate result of the negligent maintenance of the drains and ditches by the Division of Maintenance of the Department of Highways of the Commonwealth of Kentucky, and that he is justly and legally entitled to damages by reason of the same and is entitled to institute legal proceedings against the Commissioner of Highways or the Commonwealth of Kentucky, either or both of them, by reason of said damage.

This 26th day of January, 1952.

Boyd Baugh

Subscribed and sworn to before me by Boyd Baugh this 26th day of January, 1952.

Earl F. Martin
Notary Public, State of Kentucky
at large

My commisison expires:
May 3, 1955

A RESOLUTION authorizing Boyd Baugh to sue the Commonwealth of Kentucky and the Commissioner of Highways of the Commonwealth of Kentucky, or either.

WHEREAS, THE Department of highways of the Commonwealth of Kentucky acting by and through its engineers, contractors and employees heretofore built and constructed a state highway running through Ohio County, Kentucky, known as the Beaver Dam-Rochester Road and being State Highway No. 369, and

WHEREAS, said State Highway was located, built and constructed in front of and adjacent to the farm and home of Boyd Baugh, which he now owns and then owned, and which is situated in the South Beaver Dam voting precinct and between Beaver Dam and Rochester in Ohio County, Kentucky, and

WHEREAS, the right of way for said highway, a part of which was cut off of said Baugh's farm, and where it runs directly in front of his home and in constructing said highway and building the same, the said engineers, representing the Department of Highways of the Commonwealth of Kentucky, provided for sufficient drainage for said highway but the maintenance division of the Department of Highways of the Commonwealth of Kentucky, has allowed said drains and ditches and culverts and tiles and openings to fill with accumulated earth, waste and refuse to the extent that the said ditches and drains and tiles and culverts and openings have completely filled allowing water running from the hills in ordinary rainfalls to wash across said highway and across the land owned by the said Boyd Baugh and to wash away the foundation from beneath his home and causing water to stand on his land and damage his residence and land.

NOW, in order that said Baugh may determine his rights by judicial action and that the question of negligence, if any, causing said damage may be determined by Judicial action.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Boyd Baugh of Beaver Dam, Route No. 1, Ohio County, Kentucky, be and he is hereby empowered and authorized to file suit against the Commissioner of Highways, and the Commonwealth of Kentucky, either or both of them, for the purpose of determining the liability of the Commonwealth of Kentucky and the Commissioner of Highways, either or both of them, for such damage to his residence and land which adjoin State Highway No. 369 in Ohio County, Kentucky, which damage is caused by insufficient drainage from said highway which was constructed and is maintained by said Commissioner of Highways and the Department of Highways of the Commonwealth of Kentucky and in the event any judgment is recovered by the said Boyd Baugh or his claim is compromised and settled, the judgment or amount agreed upon in a compromise, if any, shall be paid out of the state highway funds and the

Commissioner of Finance is hereby authorized to issue a warrant against the State Treasurer for said amount, if any.

2. Said action may be brought in any county having jurisdiction of the parties and subject matter, provided that any such action may be instituted within one (1) year from the time this Resolution becomes effective and shall not embrace damage to crops within five (5) years next before the filing of said action.

3. Either party of said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same manner as any other civil action.

Nothing contained in this Resolution shall be considered by either the court or jury as substantial evidence on the merits of the claim, and the court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky, or Commissioner of Highways, or any of its agencies, of any liability on the part of the Commonwealth of Kentucky, or the Commissioner of Highways, or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

By Senator Hines.

S. Res. No. 19. RESOLUTION authorizing the personal representative of Grover Cleveland Kincheloe, Sr., deceased, to sue the Commonwealth of Kentucky, State Department of Education and the Warren County Board of Education.

Said resolution is as follows, viz:

WHEREAS, on or about July 5, 1951, Grover Cleveland Kincheloe, Sr., a citizen of Warren County, Kentucky, then 59 years of age and without any disability, and while engaged in his duties as an employee of the Warren County Board of Education in the capacity as janitor of the North Warren High School

located in the community of Smiths Grove, Warren County, Kentucky, lost his life as a result of a gas explosion occurring inside the building known as the North Warren High School, a unit of the Warren County School system, and

WHEREAS, the said gas explosion was the sole, direct and proximate cause of the death of the said Grover Cleveland Kincheloe, Sr., deceased, and

WHEREAS, the resulting death of the said Grover Cleveland Kincheloe, Sr., deceased, was brought about by said gas explosion, which gas explosion was caused and produced by the carelessness and negligence of the agents, officers and employees of the Commonwealth of Kentucky, State Board of Education and the Warren County Board of Education in the negligent and careless performance of their respective duties as such agents, officers and employees and while the said Grover Cleveland Kincheloe, Sr., deceased, was free of any negligence whatsoever, and

WHEREAS, the said Grover Cleveland Kincheloe, Sr., deceased, at the time of his death was earning the sum of $1,800.00 per year,

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

I. That the personal representative of the estate of Grover Cleveland Kincheloe, Sr., deceased, is hereby authorized and permitted to sue the Commonwealth of Kentucky, the Department of Education and the Warren County Board of Education, or either of them, in the Circuit Court held in and for Warren County in the Commonwealth of Kentucky, this being the county of the decedent's residence and the county in which he was killed and the county wherein his death was brought about as the direct and proximate result of the carelessness and negligence of the agents, officers and employees of the Commonwealth of Kentucky, the Department of Education and the Warren County Board of Education.

SECTION II

The said suit of the personal representative of Grover Cleveland Kincheloe, Sr., deceased, should be for an amount not exceeding the amount of $20,000.00.

The Attorney General may investigate the claim against the Commonwealth of Kentucky, the State Department of Education, and the Warren County Board of Education, and may settle or compromise this claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by said settlement or compromise shall be paid by the Commissioner of Finance upon a warrant drawn by said Commissioner of Finance upon the State Treasury and payable out of the general fund.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky as in any other civil suit.

By Senator McCann.

S. Res. No. 20. A JOINT RESOLUTION relating to college basketball within the Commonwealth of Kentucky.

Said resolution is as follows, viz:

A JOINT RESOLUTION relating to college basketball within the Commonwealth of Kentucky.

WHEREAS, the people of the Commonwealth of Kentucky are justly proud of the fame, honor and glory won by its' many fine basketball teams, and

WHEREAS, many such Kentucky teams do not schedule contests with other state teams, and

WHEREAS, the University of Kentucky in particular does not schedule basketball contests with any other college or university of this state, and

WHEREAS, if the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College and the University of Louisville would schedule games among themselves it would

prove to be a great satisfaction to basketball fans throughout the state and nation;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the proper officials of the University of Kentucky, Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College and the University of Louisville make every effort to schedule basketball games among themselves and thereby contribute to the advancement of the sport.

By Senator Moloney.

S. B. No. 180. AN ACT relating to insurance rates, amending KRS 304.603 and KRS 304.627.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.603 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Every insurer shall file with the commissioner, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing and the commissioner does not have sufficient information to determine whether such filing meets the requirements of KRS 304.601 to 304.617, he shall require such insurer to furnish the information upon which it supports such filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing

may include; (a) the experience or judgment of the insurer or rating organization making the filing; (b) its interpretation of any statistical data it relies upon; (c) the experience of other insurers or rating organizations; or (d) any other relevant factors. A filing and any supporting information shall be open to public inspection after the filing becomes effective, except as provided in KRS 304.603(6). Specific inland marine rates on risks specially rated made by a rating organization, shall be filed with the commissioner.

(2) An Insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the commissioner to accept such filings on its behalf; provided, that nothing contained in KRS 304.601 to 304.617 shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(3) The commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of KRS 304.601 to 304.617.

(4) Subject to the exceptions specified in subsections (5) and (6) of this section, each filing shall be on file for a waiting period of thirty days before it becomes effective, which period may be extended by the commissioner for an additional period not to exceed thirty days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the commissioner may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of KRS 304.601 to 304.617 unless disapproved by the commissioner within the waiting period or any extension thereof.

(5) Specific inland marine rates on risks specially rated by a rating organization shall become effective when

filed and shall be deemed to meet the requirements of KRS 304.601 to 304.617 until such time as the commissioner reviews the filing and so long thereafter as the filing remains in effect.

(6) The commissioner may, when he deems it to be in the public interest, hold a public hearing on any filing before said filing becomes effective to determine whether or not the filing meets the requirements of KRS 304.601 to 304.617. When the commissioner has determined that a hearing shall be held relative to any filing, the filing and any supporting information filed therewith shall be open to public inspection immediately. Before such hearing the rating organization or insurer making such filing shall be given ten days written notice of the time and place of such hearing, and the public shall be given notice of same by publication in a newspaper of general circulation in the state. The commissioner shall promulgate reasonable regulations to prevent the avoidance of normal expirations and renewal dates of policies, or contracts of insurance, that may be affected by such filings. In the event that a hearing is held under the provisions of this section the waiting periods specified in KRS 304.604(1) shall not begin to run until 30 days after the close of such hearing.

(7) In the review of any filing made pursuant to KRS 304.603 either prior to its becoming effective, or upon a subsequent review as provided for in KRS 304.604, the burden of establishing that the filing under consideration meets the requirements of KRS 304.601 to 304.617 shall be on the insurer or rating organization who made such filing.

(8) Under such rules and regulations as he shall adopt the commissioner may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as he

may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in paragraph (b) of subsection (1) of KRS 304.602.

(9) Upon the written application of the insured, stating his reasons therefor, filed with and approved by the commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(10) No insurer shall make or issue a contract or policy except in accordance with filings which are in effect for said insurer as provided in KRS 304.601 to 304.617 or in accordance with subsections (8) and (9) of this section. This subsection shall not apply to contracts or policies for inland marine risks as to which filings are not required."

Section 2. Section 304.627 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Every insurer shall file with the commissioner every manual of classifications, every manual of rules and rates, every rating plan and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing and the commissioner does not have sufficient information to determine whether such filing meets the requirements of KRS 304.625 to 304.644, he shall require such insurer to furnish the information upon which it supports such filing and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of the filing may include; (a) the experience or judgment of the insurer or rating organization making the filing; (b) its interpretation of any statistical data it relies upon; (c) the experience of other insurers or rating organizations; or (d) any other relevant factors. A filing and any supporting information shall be open to public inspection after the filing becomes effective, except as provided in KRS 304.627(6).

(2) An insurer may satisfy its obligation to make such

filings by becoming a member of, or a subscriber to a licensed rating organization which makes such filings, and by authorizing the commissioner to accept such filings on its behalf; provided, that nothing contained in KRS 304.625 to 304.644 shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(3) The commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of KRS 304.625 to 304.644.

(4) Subject to the exception specified in subsection (5) of this section, each filing shall be on file for a waiting period of thirty days before it becomes effective, which period may be extended by the commissioner for an additional period not to exceed thirty days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the commissioner may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of KRS 304.625 to 304.644 unless disapproved by the commissioner within the waiting period or any extension thereof.

(5) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of KRS 304.625 to 304.644 until such time as the commissioner reviews the filing and so long thereafter as the filing remains in effect.

(6) The commissioner may, when he deems it to be in the public interest, hold a public hearing on any filing before same becomes effective to determine whether or not the filing meets the requirements of KRS 304.625 to 304.644. When the commissioner has determined that a

hearing shall be held relative to any filing, the filing and any supporting information filed therewith shall be open to public inspection immediately. Before such hearing the rating organization or insurer making such filings shall be given ten days written notice of the time and place of such hearing, and the public shall be given notice of same by publication in a newspaper of general circulation in the state. The commissioner shall promulgate reasonable regulations to prevent the avoidance of normal expirations and renewal dates of policies, or contracts of insurance, that may be affected by such filings. In the event that a hearing is held under the provisions of this section the waiting periods specified in KRS 304.627(1) shall not begin to run until 30 days after the close of such hearing.

(7) In the review of any filing made pursuant to KRS 304.603 either prior to its becoming effective, or upon a subsequent review as provided for in KRS 304.628, the burden of establishing that the filing under consideration meets the requirements of KRS 304.625 to 304.644 shall be on the insurer or rating organization who made such filing.

(8) Under such rules and regulations as he shall adopt, the commissioner may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practically be filed before they are used, or not customarily made by rating organizations. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in paragraph (d) of subsection (1) of KRS 304.626.

(9) Upon written application of the insured stating his reasons therefor, filed with and approved by the commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(10) No insurer shall make or issue a contract or policy except in accordance with filings which are in effect for

said insurer as provided by KRS 304.625 to 304.644 or in accordance with subsections (8) and (9) of this section."

By Senator Stapleton.

S. B. No. 181. AN ACT relating to a pension fund for police and firemen in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 95.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) The policemen's and firemen's pension fund in cities of the second class shall consist of:

(a) The proceeds of an annual tax, which may be levied by the city legislative body, of not less than two cents nor more than eight cents on each one hundred dollars in value of taxable property.

(b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.

(c) Assessments, which the board of trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than four percent of his salary, to be withheld from the monthly salary and paid by the city treasurer into the pension fund.

(d) Fifty percent of the proceeds of any tax levied by the city legislative body on insurance premiums charged on fire, burglary, theft, or casualty insurance, which may be authorized by the laws of the Commonwealth of Kentucky.

By Senator Warinner.

S. B. No. 182. AN ACT relating to the conduct of schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The history of Kentucky shall be taught in each of the grades, seven and eight, and the history of America shall be taught in at least two of the four grades, nine to twelve inclusive, of the common schools. Such courses of study shall consist of at least one hour of instruction in each school day for the entire school year.

By Senator Warinner.

S. B. No. 183. AN ACT relating to the licensing of motor vehicles, amending section 186.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire operating under certificates of convenience and necessity, are classified as trucks or busses, and the annual registration fee, except as provided in subsections (4) through (8), shall be as follows:

Gross Weight	Registration Fee
0- 5000	$ 10.00
5001- 8000	22.00
8001-10000	25.00
10001-12000	29.00
12001-14000	32.00
14001-16000	36.00
16001-18000	40.00

18001-21000	45.00
21001-24000	50.00
24001-27000	59.00
27001-30000	71.00
30001-33000	85.00
33001-36000	101.00
36001-39000	123.00
39001-42000	150.00

The registration fee shall be increased fifty percent on any motor vehicle not equipped wholly with pneumatic tires.

(4) Any farmer owning a truck having a gross weight of 22,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit, stating that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 22,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in conspicuous letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the bed of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from

a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit that an outfit for the drilling of of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.

(8) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

(9) Any resident of this State, who is a member of the Armed Forces of the United States during a National Emergency or when the United States is engaged in a war with some other Country, and any resident of this State who has served honorably in the Armed Forces of the United States during any of the Wars in which the United States has been engaged or shall in the future become engaged, and who is or shall become permanently disabled as a result of

such military service, shall upon application to the County Court Clerk of the County in which he or she resides and upon the payment of an issuance fee to said Clerk of fifty cents, be issued without cost or further fee a registration certificate and license for any one motor vehicle owned by applicant.

By Senator Cox.

S. B. No. 184. AN ACT relating to a study, survey and report concerning existing and required facilities and services for the health of the people of the Commonwealth of Kentucky and making an appropriation to the Legislative Research Commission therefor.

Said bill is as follows, viz:

WHEREAS, one of Kentucky's greatest resources is her people; and

WHEREAS, under the provisions of Chapter 124 of the Acts of the 1950 regular session of the General Assembly of Kentucky the Committee on Functions and Resources of State Government reported to the Governor and the General Assembly on the 21st day of January, 1952, in part as follows:

"The General Assembly should authorize for the coming biennium a study of the entire health and welfare field which will investigate the trend toward increasing state responsibility for these functions, the cost involved, the major inadequacies which may exist, and the probable future trend.

"Because of limitations of time and staff the Committee was compelled to limit its coverage of health and welfare problems to a few specific areas. The approach of government to the health and welfare problems of its citizens is one of the basic elements of social philosophy. We believe that a study is urgently needed which would treat this question in terms of the aggregate, overall picture rather than focusing upon a limited number of individual segments."

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is requested and directed to make and conduct a thorough and complete investigation, study, and survey of existing and required facilities and services provided or which should be provided at public expense for the health of the people of this Commonwealth together with the cost, method and means of financing and administration thereof, taking into consideration the functions, relationship, obligations, responsibilities and resources of state, federal, county and municipal governments and the various agencies of each, the need for an adequate and coordinated program therefor within this Commonwealth, and the availability of funds therefor from existing or additional sources.

Section 2. To assist and advise with the Legislative Research Commission in making said study, there is created a committee to be known as the State Health Committee, which shall consist of not less than five nor more than twelve members, to be appointed by the Chairman of the Legislative Research Commission forthwith upon the effective date of this Act. The members of the Committee shall be citizens of this state who are experienced or interested in the functions of state or local government with respect to the health of its people and shall include persons engaged in the healing arts or allied professions and endeavors. The Chairman of the Legislative Research Commission shall designate one of the members of the Committee as Chairman thereof. Members of the Committee shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of the functions of the Committee. The Committee shall meet from time to time upon the call of its Chairman, at a time and place designated in the call, and shall meet at the request of the Chairman of the Legislative Research Commission at such time and place as may be designated by him. The Committee shall continue in existence until such time as its duties have been completed, but in no event beyond March 15, 1954.

Section 3. The Legislative Research Commission is authorized and directed to secure and provide adequate

facilities, services and personnel to assist the Commission by and with the advice of the Committee in carrying out the objects and purposes of this Act.

Section 4. The State Health Committee shall have authority to obtain information and to receive cooperation and assistance from any public agency, federal, state, county, or municipal. The state, county, and municipal agency, at the request of the Committee, shall make available to the Committee such information, statistics, and reports as are at the disposal of such agency.

Section 5. The State Health Committee shall prepare and submit to the Legislative Research Commission, by November 10, 1953, a report of the results of the Committee's investigation, study, and survey, together with recommendations. Not later than December 10, 1953, the Legislative Research Commission shall transmit said report, together with any additional material, observations and recommendations as it may see fit, to the Governor and all members of the 1954 General Assembly. Said reports shall be made available to any and all governmental agencies concerned and to the general public.

Section 6. To carry out the purposes of this Act, there is hereby appropriated to the Legislative Research Commission, out of the General Expenditure Fund in the State Treasury, the sum of Twenty-five Thousand ($25,000) Dollars, which sum shall be available during the 1952-53 fiscal year and, without lapse, during the 1953-54 fiscal year. Said appropriation shall be in addition to any other appropriation heretofore or hereafter made to the Legislative Research Commission. Authorized expenses and expenditures of the Advisory Committee on Facilities and Services for the Public Health may be paid out of this appropriation on vouchers approved by the Director of the Legislative Research Commission.

By Senator Golden.

S. B. No. 185. AN ACT relating to civil jurisdiction of quarterly and justices' courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 25.410 of the Kentucky Revised Statutes is amended to read as follows:

In civil cases the quarterly court has jurisdiction concurrent with justices' and police courts of all actions within its county for the recovery of money or personal property, where the value in controversy is two hundred dollars or under, exclusive of interest and costs, and concurrent jurisdiction with circuit courts of all such actions where the value in controversy is over fifty and not more than five hundred dollars, exclusive of interest and costs.

Section 2. Section 25.610 of the Kentucky Revised Statutes is amended to read as follows:

Justices' courts have jurisdiction concurrent with circuit and quarterly courts of all civil actions for the recovery of money or personal property where the value in controversy, exclusive of interest and costs, does not exceed two hundred dollars; jurisdiction, exclusive of circuit courts and concurrent with quarterly courts, of all civil actions for the recovery of money or personal property where the value in controversy, exclusive of interest and costs, does not exceed fifty dollars; jurisdiction, concurrent with quarterly courts, of motions against constables for failing to discharge their duty; and any other civil jurisdiction conferred upon them by law.

By Senator Montgomery.

S. B. No. 186. AN ACT concerning fees of court commissioners and receivers.

Said bill is as follows, viz:

Subsection (1) of section 64.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees of court commissioners and receivers for the following services shall be as follows:

To a commissioner for allotting dower, dividing land or settling accounts, per day.....$15.00

To a commissioner for making a deed 2.25

To master commissioner or receiver, where the amount is not agreed upon by the parties, for each day they are actually engaged 4.50

For selling land or personal property:
Where the amount of the sale does not exceed $2,000 ..... 11.25

Where the sale amounts to more than $2,000, but does not exceed $5,000 ..... 15.00

Where the sale amounts to more than $5,000, but does not exceed $10,000 ..... 22.50

Where the sale exceeds $10,000 ..... 37.50

Where the officer goes out of the county to make the sale he shall be allowed his actual expenses and $7.50 per day in addition to the fees.

Where more than one tract of land is sold under the same decree, the court may allow not exceeding $7.50 for each additional tract sold.

If a sale is set aside because of the fault of the officer making the sale, he shall not receive any compensation for his services connected with the sale.

For receiving and paying out money under an order of court:

Where the amount is more than $1,000, but does not exceed $2,000, 2% on the first $1,000 and 2% on the excess.

Where the amount is more than $2,000, but does not exceed $5,000, 2% on the first $2,000, and 1.5% on the excess.

Where the amount is over $5,000, he shall receive fees on the first $5,000 as above provided, and 1% on the remainder.

By Senator Duffy.

S. B. No. 187. AN ACT relating to the establishment and maintenance of high schools in cities with a population of 200,000 or more.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Boards of Education of independent school districts situated within a city containing a population of 200,000 or more shall establish and maintain within each city containing a population of 200,000 or more, a high school for boys and a high school for girls.

By Senator Shaikun.

S. B. No. 188. AN ACT concerning the selection and qualifications of grand and petit jurors in counties having a population of 200,000 or more and a circuit court of continuous session having nine judges.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) In counties having a population of 200,000 or more and having nine judges of the circuit court, such judges shall constitute a board of jury supervisors.

(2) One of the members shall be elected chairman and shall preside at the meetings of the board. Meetings of the board shall be held at least every three months at a time and place designated by the chairman and other meetings may be called by the chairman or any two members of the board. A majority of the members of the board present at a meeting shall constitute a quorum for the transaction of business.

Section 2. It shall be the duty of the board of jury supervisors to:

(1) Exercise supervisory control over the jury commissioner and deputy commissioners;

(2) Determine the method of obtaining jurors and the number of jurors needed;

(3) Supervise the keeping of the lists and records of jurors;

(4) Strike from the jury list the name of any person who appears to the board to be mentally, morally or physically unfit for jury service, or who may be otherwise ineligible to serve as a juror;

(5) Excuse from jury service persons entitled by law to exemption or excuse;

(6) Separate the list of persons selected for grand jury service from the list of persons eligible for jury service and provide for excusing such persons on the grand jury list from service on petit juries during the time their names are on the grand jury list.

Section 3. The board of jury supervisors shall appoint a jury commissioner who shall have been a resident of the circuit court district for at least five years preceding his election. He shall be sworn in open court to faithfully perform the duties of his office. He shall hold office at the pleasure of the board of jury supervisors and may be removed at any time by action of a majority of the members of the board of jury supervisors. He shall receive a salary of not less than $4500 per annum to be fixed by the fiscal court pursuant to the provisions of KRS 64.530.

Section 4. In addition to the other duties conferred upon him by the provisions of this Act, the jury commissioner shall serve as secretary of the board of jury commissioners.

Section 5. The board of jury supervisors shall appoint such deputy jury commissioners as may be necessary. They shall have the same qualifications and take the same oath as is required of the jury commissioner and shall serve at the pleasure of the board of jury supervisors. Such deputies shall receive salaries of not less than $3,000 per annum to be fixed by the fiscal court pursuant to the provisions of KRS 64.530.

Section 6. (1) At each regular meeting of the board of jury supervisors, the jury commissioner shall make a written report to the activities of his office during the three month period. The report shall show, among other things, the number of jurors

called for service, the number who served, the number excused and the number furnished to each of the divisions of the circuit court.

(2) At the first regular meeting of the board of jury supervisors in each year, the jury commissioner shall make an annual report containing the information required in subsection (1) of this section for the preceding year. Such annual report shall also contain a statement of the expenses of the office, the number, compensation and period of employment of deputy commissioners.

Section 7. The fiscal court of the county shall furnish the board of jury commissioners with such office space, furniture, equipment and supplies as may be needed in the performance of the functions prescribed by this Act.

Section 8. (1) The jury commissioner shall prepare a list of such number of persons within the circuit court district deemed qualified for jury service as the board of jury supervisors directs. In the preparation of said list, the jury commissioner shall consult the voters' registration records, the last returned tax commissioner's book for the county, assessment rolls, city directory, telephone directory, latest census enumeration and any other available sources, and shall prepare said list in such manner as the board of jury commissioners directs. The jury commissioner shall ascertain all facts pertaining to the eligibility of a person for jury service by inquiry of such person and shall require each prospective juror to answer any questions relating to his qualifications as a juror. The jury commissioner may, by written notice, direct any prospective juror to appear at any designated place at any specified time to answer such questions relating to his qualifications as a juror.

(2) The jury commissioner shall from time to time examine the list while it is in use and shall revise and correct it by the addition of such new names as he may discover in his examination of the records enumerated in subsection (1) of this section, by striking off the names of persons who have died, removed from the circuit court district, been removed from the list by order of court, or who have in any manner become disqualified for jury service, by noting changes of address of persons named

in said list, and in all other respects giving such continuous care and attention to such list as will assure its accurate showing of the names of persons eligible for jury service.

Section 9. (1) As soon as practicable after the list of prospective jurors has been completed, the jury commissioner shall type the name and address of each person on a separate card of uniform size and shall deposit all such cards in the jury drum provided for that purpose and, before any drawing shall be had therefrom, the cards in said drum shall be thoroughly mixed. The drum shall be securely locked and retained constantly under the control of the board of jury supervisors.

(2) The jury commissioner shall have the custody of the drum and it shall be his duty to prevent any tampering with the drum or unauthorized removal of its contents. No card shall be placed in the drum or removed therefrom unless done so in the presence of a member of the board of jury supervisors.

Section 10. (1) One general panel of jurors shall be drawn for all civil and criminal divisions of the circuit court, the number of names to be drawn to be determined by a circuit judge designated by a majority of the judges of the circuit court. The names of jurors for said general panel shall be drawn from the drum by the jury commissioner in the presence of a member of the board of jury supervisors and shall be placed on a list and delivered to the sheriff. The sheriff shall summon the jurors whose names are drawn to appear before the judge designated by a majority of the judges of the circuit court who shall hear and determine all requests of jurors to be excused from service. No clerk, deputy clerk, lawyer or other officer of court may in any manner assist or aid any juror so summoned in presenting any excuses that said juror may have to avoid service.

(2) Jurors who are not excused shall be retained as the general panel for all divisions of the court and shall be placed in charge of the sheriff, in quarters to be provided by him in the courthouse, there to remain, except when actually engaged in the trial of a cause, or thereafter excused by a judge of the court.

(3) The jury commissioner shall place the cards bearing the

names of jurors drawn for service on the general panel in a small jury drum which shall be securely locked and kept in the custody of the jury commissioner pending assignment for jury service in the several divisions of the court.

Section 11. (1) Whenever any division of said circuit court shall require a panel of petit jurors for jury service, the judge of such division shall designate the number of jurors required and make a requisition therefor upon the jury commissioner in charge of the small jury drum. Upon receipt of such requisition, the said jury commissioner, in the presence of a sheriff of said court, shall turn said drum and thoroughly mix the cards therein and, being so situated as to be unable to see the names on said cards, shall publicly draw from said drum a number of cards equal to the number of petit jurors so required.

(2) Such jury commissioner shall then make a list of the names of said jurors so drawn and the sheriff of said court shall cause the jurors whose names are thereupon to appear before the judge of the division so requesting such panel of jurors so drawn to be placed in a sealed envelope and delivered by the sheriff to the judge of said division of said circuit court requesting such panel. The judge of the division of said circuit court so requesting such panel shall cause the list of jurors so furnished to be compared with the cards so received and he shall retain the cards bearing the names of such jurors as may be retained for jury service in said division of said court.

(3) Whenever any juror upon such panel shall be excused from further service in said division, such juror shall be directed to return to the quarters provided for the panel of jurors and to report to the sheriff in charge thereof and the card bearing the name of such juror shall be returned to the jury commissioner in charge of said small jury drum and be promptly replaced in said drum; provided, that the judge of any division thereof may cause to be drawn and summoned a general panel of jurors for service in such division of said court; the number of jurors so drawn and summoned to be determined by such judge.

(4) The judge of the division of said court for which said general panel of jurors was so drawn and summoned shall determine all excuses and shall designate the clerk to be in charge

of a small jury drum. The cards bearing the names of all jurors remaining upon such general panel shall be placed in a small jury drum and such panels of petit jurors as may be required for service in such division shall be selected by means of said small jury drum in the same manner, as near as possible, in all respects, as is herein provided for the selection of petit jurors from a full panel of jurors, drawn and summoned for service in all divisions of said circuit court.

Section 12. When a jury for the trial of a cause cannot be made up from the regular panel, the judge of the court, before whom the cause is pending, by agreement of all the parties thereto, or their attorneys, may obtain from the jury commissioner and deliver to the proper officers a list of jurors, sufficient to complete the panel, but such extra jurors shall be summoned only for the trial of that particular cause.

Section 13. The name of every juror drawn for a special venire, and every juror excused by the court from attendance or service shall be returned to the drum from which it was drawn, unless the judge shall order to the contrary; the jury commissioner shall erase from the list required to be kept by him the name of any juror that shall be so ordered not returned to said drum.

Section 14. The circuit judges shall from time to time select the names of six hundred persons, known or believed by them to be in every way fitted for grand jury service, said selection to be repeated whenever deemed necessary by said judges of the circuit court, which names shall, by said judges, be erased from the petit jury lists in the said board of jury supervisors' office, or caused by them to be erased by said jury commissioner, but by them to be deposited in a special grand jury drum, which, after being properly secured, shall be delivered to the care of the jury commissioner of the board of jury supervisors, who shall be responsible for the proper custody of the same, and which after the names are once placed therein, shall be opened and drawn only, by said jury commissioner, or one of his deputies, in the presence of two or more of said circuit judges, upon requisition of the judge of the criminal division of the circuit court for such

number of grand jurors as may be required for any one term in said court.

(2) The board of jury supervisors shall have the power, from time to time, whenever it shall appear to their satisfaction that a juror selected from grand jury service has died, moved from the jurisdictions of the court, or become otherwise disqualified to cause the name of each and every such person to be removed from the said special grand jury drum. The judges of the circuit court in general term shall be empowered to fill any vacancy in the grand jury list, and cause the names of the persons so selected as grand jurors to be deposited in said special grand jury drum.

Section 15. Subsection (3) of Section 29.040 of the Kentucky Revised Statutes is hereby repealed.

Section 16. None of the provisions of KRS 29.050, through 29.170 and none of the provisions of KRS 29.190, 29.210 and 29.250, shall apply in circuit courts having a population of 200,000 or more and having nine circuit judges.

Section 17. Any person who violates any of the provisions of this Act shall be fined not less than $5.00 nor more than $100.00 for each offense.

By Senator Stapleton.

S. B. No. 189. AN ACT concerning school building funds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 160.477 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Upon request of the board of education of any school district, the tax levying authority of the district shall adopt an ordinance or resolution submitting to the qualified voters of the district, the question as to whether a special school building tax rate of not less than five cents nor more than fifty cents as requested by the board shall be levied on each one hundred dollars of property subject to local taxation. This tax

levy shall be in addition to the maximum school tax levy provided by KRS 160.475. The income from the tax shall be used for the purchase or lease of school sites and buildings, for the erection and complete equipping of new school buildings, for the major alteration, enlargement and complete equipping of existing buildings, for the purpose of retiring, directly or through rental payments, school revenue bonds issued for such school building improvements, and for the purpose of financing any program for the acquisition, improvement, or building of schools. The question shall be so framed that the voter may by his vote answer "For" or "Against."

(b) The election shall be held at a time fixed in the ordinance or resolution, not less than fifteen or more than thirty days from the time the request of the board is filed with the tax levying authority, and reasonable notice of the election shall be given. The election shall be conducted and carried out in the school district in all respects as required by the general election laws, and shall be held by the same officers as required by the general election laws. The expense of the election shall be borne by the fiscal court except where the election is held in a district embracing a city of the first five classes, in which case the cost of the election shall be borne by the governing body of the city.

(c) If a majority of those voting on the question favor the special school building tax levy, the tax levying authority shall when the next tax rate for the district is fixed levy the special rate specified by the board of education of the school district for the school building fund in addition to the levy provided by KRS 160.475.

Sec. 2. Whereas, a discrimination against independent school districts extant in Subsection (1) of KRS 160.477 has seriously curtailed the right of such districts to replace school buildings which have been destroyed by fire; and

Whereas, there exists a present need for replacement of such school buildings destroyed by fire;

An emergency is hereby declared to exist and this Act shall become effective as a law immediately upon its passage and approval by the Governor.

Ordered that said resolutions and bills be printed and referred.

REPORTS OF COMMITTEES

Senator Montgomery, Chairman of the Committee on Kentucky Statutes No. 1, to which said bills had been referred previously, reported bills of the following titles, viz:

S. B. No. 139. AN ACT relating to the powers and duties of the Council on Public Higher Education.

S. B. No. 110. AN ACT concerning the state flower of Kentucky.

With the expression of opinion that said bills should not pass.

Senator Montgomery, Chairman of the Committee on Kentucky Statutes No. 1, to which said bills had been referred previously, reported bills of the following titles, viz:

S. B. No. 129. AN ACT relating to coroners, amending section 213.090 of the Kentucky Revised Statutes.

With the expression of opinion that said bill should pass.

S. B. No. 47. AN ACT concerning compensation of county commissioners.

With the expression of opinion that said bill should pass with amendment by way of committee substitute.

S. B. No. 20. AN ACT relating to chattel mortgages, amending Section 382.720 of the Kentucky Revised Statutes.

With the expression of opinion that said bill should pass with amendment by way of committee substitute.

Whereupon, said S. B. No. 129 was read for the first time and S. B. No. 47 and S. B. No. 20 were read for the first time, each with amendment by way of committee substitute, and

Ordered placed in the Calendar.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of the introduction of bills.

Said motion was agreed to.

INTRODUCTION OF BILLS

Bills of the following titles were introduced, viz:

By Senator Warinner.

S. B. No. 190. AN ACT relating to the compensation of county election commissioners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.060 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal court of each county shall fix the compensation to be paid the members of its county board of election commissioners for their services at not less than $7.50 per day while in session. This compensation is to be paid by the State. In determining the compensation, the fiscal court may consider the number of votes counted by the board or its assistants, the cost of counting the votes, and the number of days necessary for the board to be in session in the performance of its duties.

By Senator Warinner.

S. B. No. 191. AN ACT relating to the compensation of election officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.140 of the Kentucky Revised Statutes is amended to read as follows:

The judges, clerk and sheriff of election shall receive $7.50 each for each election in which they serve, including elections to fill vacancies, to be paid by the state. For delivering election returns, the sheriff and the judge of the opposite political party from the sheriff shall receive in addition twelve cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the State.

By Senator Shaikun.

S. B. No. 192. AN ACT relating to off-street parking facilities in certain cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 93.352 of the Kentucky Revised Statutes is hereby amended and as amended reads:

93.352 Powers of cities; land acquisition; construction, maintenance, operation, contracting for or leasing of parking facilities; sale of property; charges, rates, or fees.

Any city of the first class shall have and may exercise all powers necessary or convenient to carry out the purpose of KRS 93.352 to 93.356, which is hereby declared to be the acquisition, creation, and operation in any manner hereinafter provided, under public regulation, of public off-street parking facilities in any such city as a necessary incident to insuring in the public interest the free circulation of traffic in, through and from such city. Such powers shall include, but shall not be limited to the powers enumerated in the following paragraphs (a) to (k) inclusive:

(a) The power to purchase in the manner prescribed in KRS 83.300, and acquire by gift, bequest, devise, or grant, real property, or any interest therein, in any area of any such city in which the Director of Traffic Engineering in such city, subject to the approval of the legislative body of such city, shall have made a determination that public parking facilities are therein required, and to hold, use, and dispose of same in the manner prescribed by law.

(b) The power to condemn, in the manner prescribed in KRS 93.100, real property, or any interest therein in any area of any such city in which the Director of Traffic Engineering in such city, subject to the approval of the legislative body of such city, shall have made a determination that public parking facilities are therein required, and hold, use, or dispose of same in the manner provided by law; in such

condemnation proceedings the City shall obtain a fee simple title and may thereafter dispose of same without working a reverter.

(c) The power to clear and improve, in the manner provided by law, any property acquired under KRS 93.352 to 93.356, and to construct or cause to be constructed thereon such structures and equipment suitable for parking facilities, as the Director of Traffic Engineering, subject to the approval of the legislative body of such city, shall have determined to be necessary.

(d) The power to maintain and operate for parking by the public, of vehicles, any property, or interest in property, constructed or acquired under KRS 93.352 to 93.356.

(e) The power to contract with any corporation, firm, individual, or association, private or public, subject to the provisions of KRS 93.352 to 93.356, for the operation as a public parking facility of any property, or interest in property, constructed or acquired under KRS 93.352 to 93.356, for such period as the Director of Traffic Engineering, subject to the approval of the legislative body of such city, shall determine.

(f) The power to lease to any corporation, firm, individual, or association, private or public, subject to the provision of KRS 93.352 to 93.356, for the operation thereof as a public parking facility, any property, or interest in property, constructed or acquired under KRS 93.352 to 93.356, for such period as the Director of Traffic Engineering, subject to the approval of the legislative body of such city shall determine.

(g) The power to sell, exchange, transfer, or assign, any property, real or personal, or any interest therein, constructed or acquired under KRS 93.352 to 93.356, whether or not improved, and which the Director of Traffic Engineering, subject to the approval of the legislative body of such city, shall have determined to be no longer necessary or required for the proper achievement of the purposes of KRS 93.352 to 93.356; provided however, the City may through

the Director of Traffic Engineering subject to the approval of the legislative body of the city, lease such property or any part thereof for use for commercial purposes that may be in aid of the operation of Off-Street parking facilities under KRS 93.352 to 93.356.

(h) The power to lease for commercial purposes any part of said property which the City, through the Director of Traffic Engineering, with the approval of the legislative body of the City, shall have determined to be no longer required, or not at that time required, for the proper achievement of the purposes of KRS 93.352 to 93.356.

(i) The power to establish and revise from time to time, schedules of rates to be charged for the use of such public parking facilities operated under KRS 93.352 to 93.356 and to establish, extend, revise, and rescind regulations in regard to the use, operation, and occupancy of any property or interest therein, constructed or acquired under KRS 93.352 to 93.356, to the end that the maintenance, operation, use, and charge for the use of all such property shall be subject to public regulation. The Director of Traffic Engineering, subject to the provisions of KRS 93.352 to 93.356 and subject to the approval of the legislative body of such city, shall establish, extend, revise, and rescind, such schedules and regulations.

(j) The power to engage in or contract for the construction, reconstruction, alteration, repair, and maintenance, of any public parking facilities operated or to be operated under KRS 93.352 to 93.356, as the Director of Traffic Engineering, subject to the approval of the legislative body of such city, shall determine.

(k) The power to adopt suitable ordinances defining particular areas within the City to be served by and for which off-street parking facilities shall be established under the provisions of KRS 93.352 to 93.356, regulating or prohibiting the parking of motor vehicles upon the streets of any such city within any such area, and providing that the provisions of any such ordinance shall be for the benefit of the holders of revenue bonds issued under the authority of

KRS 93.352 to 93.356 and shall be irrepealable so long as any of such bonds shall remain outstanding.

Section 2. That Section 93.353 Kentucky Revised Statutes be and the same is hereby repealed.

Section 3. That Section 93.354 of the Kentucky Revised Statutes is hereby amended and as amended reads:

93.354 Revenue bonds to provide funds.

Any city of the first class is hereby authorized to provide funds for carrying out the purposes of KRS 93.352 to 93.356, by the issuance and sale of revenue bonds as hereinafter set forth. Such city may from the proceeds of any such bonds reimburse its general fund for any expenditures for such purposes made by it before sale and delivery of the bonds. Such bonds shall not constitute an indebtedness of such City but shall be secured by such revenues as the legislative body of such City may by ordinance provide. Such legislative body may pledge all or any part of any one or more of the following:

(a) The revenues derived from the property acquired or constructed from the proceeds of such bonds.

(b) Any revenues of any other similar project whether acquired from the proceeds of similar bonds or otherwise.

(c) Any revenues derived by the City from street parking meters.

Such bonds shall be designated on their face, "Public Off-Street Parking Facilities Revenue Bonds." It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 93.352 to 93.356 and that it does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations, or at all. Such bonds shall be authorized by ordinance of the legislative body of such city. The bonds shall be dated, shall bear interest at such rate or rates not exceeding five per centum per annum, shall be in such denomination or denominations, shall be payable at such place

or places, which may be at any bank or trust company within or without the Commonwealth, shall mature at such time or times not exceeding forty years from their date or dates, and may be made redeemable before maturity, at the option of the city, at such price or prices and under such terms and conditions, and shall be executed in such form and manner, all as may be fixed by the legislative body of such city prior to the issuance of the bonds. The said legislative body shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may be issued in coupon or in registered form, or both, as the said legislative body may determine, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and for the reconversion of any bond registered as to both principal and interest into coupon bonds. Such bonds shall be exempt from taxation by the Commonwealth of Kentucky and by the municipalities and political subdivisions thereof. Such bonds may be issued without a vote of voters and without any other proceedings or happenings or any other conditions or things than those proceedings, conditions, and things which are specified and required by KRS 93.352 to 93.356. The said legislative body may authorize the sale of such bonds in such manner and for such price as it may determine to be for the best interests of the city, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values. If the proceeds of such bonds by error of calculation or otherwise, shall be less than the cost of the facilities for which the bonds shall be authorized, additional bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the ordinance authorizing the

issuance of the bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. The ordinance authorizing the bonds may make such other conditions and provisions therefor, including provisions for the issuing of additional bonds and prescribing the relative priority thereof as the legislative body of such City may deem desirable. Bonds issued pursuant to KRS 93.352 to 93.356 shall have and are hereby declared to have, in the hands of a bona fide holder, all of the qualities of negotiable instruments under the law of merchant, or the Negotiable Instrument Act of the Commonwealth of Kentucky.

Section 4. That section 93.355 of the Kentucky Revised Statutes is hereby amended and as amended reads:

93.355 Fees, charges, etc.; revenues, disposition of.

The said legislative body shall fix and revise from time to time fees, rates, rentals and charges for the use of the facilities constructed or acquired under the authority of KRS 93.352 to 93.356, and such fees, rates, rentals and charges shall be so fixed and adjusted as to provide (together with any additional income) such funds as the Board of Aldermen deems appropriate but in no event shall the said funds be less than sufficient (a) to pay the cost of maintaining, repairing, and operating the facilities, (b) to pay the interest on and the principal of the revenue bonds issued hereunder for the construction or acquisition of such facilities, and (c) to create necessary reserves for the foregoing purposes. Upon the payment of all of the bonds issued for any project the revenues from such project may be used for general municipal purposes as determined by the City's legislative body.

Section 5. Should any section, sub-section, paragraph, sentence, clause, or phrase, of this act, be declared unconstitutional or invalid, for any reason, the remainder of this act shall not be affected thereby.

By Senator Shaikun.

S. B. No. 193. AN ACT relating to Off-Street Parking

facilities in Cities of the first and second class, providing for an alternate plan for acquisition.

Said bill is as follows, viz:

WHEREAS, it is deemed advisable by the General Assembly to provide a wide measure of Home Rule to Cities of the first and second class in connection with the acquisition of Off-Street Parking facilities; and

WHEREAS, the General Assembly finds that Off-Street Parking facilities are desirable in such cities; and

WHEREAS, an alternate plan, to be available to such cities, in addition to other provisions made by law is deemed advisable, NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section (1). Any city of the first or second class may provide Off-Street Parking facilities, and for such purpose shall have the power of condemnation to acquire a fee simple title, and may exercise any or all of the powers provided by Chapter 58 of the Kentucky Revised Statutes. Such city may pledge all or any part of its parking meter revenues to secure such bonds and may make such other conditions or provisions in connection therewith as the legislative body of such city may by ordinance determine.

Section (2). This authority herein contained shall be in addition to any other authority granted to such cities by law, and shall be an alternate plan for the acquisition of such facilities.

By Senator Shaikun.

S. B. No. 194. AN ACT relating to alcoholic beverage licenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.160 of the Kentucky Revised Statutes amended to read as follows:

Business authorized by wholesaler's license. A wholesaler's license shall authorize the licensee to purchase, receive, store or possess distilled spirits and wine, to sell them at wholesale, from the licensed premises only, and to transport from the licensed premises for himself only any alcoholic beverage which his license authorizes him to sell, provided that he so transport such beverages in the manner provided for manufacturers in KRS 243.120, provided further, that he is to be permitted to transport distilled spirits and wine from a manufacturer's warehouse or from other licensed wholesalers' premises to his licensed premises, if consumer's spirits stamps have been properly affixed to the spirits or wine which he so transports.

By Senator Hoffman.

S. B. No. 195. AN ACT relating to planning and zoning in cities of the third, fourth, fifth and sixth classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 100.500 of the Kentucky Revised Statutes is amended to read as follows:

The legislative body of any city of the fourth, fifth and sixth class may regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

Section 2. Section 100.510 of the Kentucky Revised Statutes is amended to read as follows:

The legislative body may divide the city into districts or zones of such number, shape and area as it deems best suited to carry out the purposes of KRS 100.500 to 100.600. The districts or zones may be designated by maps or plans as well as by boundaries, and the boundaries may be expressed in general descriptive terms. Maps or plans showing the districts or zones, or changes, with appropriate designations, may be made or

adopted. The legislative body within each district or zone may regulate and restrict the construction, alteration, repair, or use of buildings, structures, or land. Regulations shall be uniform for each class or kind of building in each district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

Section 3. Section 100.610 of the Kentucky Revised Statutes is amended to read as follows:

Any city of the fourth, fifth or sixth class may make, adopt, amend or carry out a plan as provided in KRS 100.610 to 100.830 and create by ordinance a city planning commission.

Section 4. Section 100.710 of the Kentucky Revised Statutes is amended to read as follows:

Where a planning commission is created in a city of the fourth, fifth or sixth class, all powers and records of the zoning commission of such city shall be vested in and transferred to the planning commission.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Each city of the third class may create a planning and zoning commission, and through such commission shall exercise all the powers, privileges, duties and obligations which legislative bodies of fourth, fifth and sixth class cities are given and may exercise under the provisions of KRS 100.500 to 100.830 as now set forth or as may hereafter be amended, or any other provisions which are hereafter made applicable thereto.

(2) As an alternate to the plan provided in subsection (1), the legislative body of a city of the third class, and the county judge and fiscal court of the county containing such city, may create a joint city-county planning and zoning commission which commission shall be constituted in the same manner, and shall exercise all the powers, privileges, duties and obligations which joint city-county planning and zoning commissions in cities of the second class are given and may exercise under the provisions of KRS 100.320 to 100.490 as now set forth or as may hereafter be amended, or any other provisions which are hereafter made applicable thereto.

(3) After a city has by ordinance created a planning and zoning commission under the provisions of subsection (1) or a joint city-county planning and zoning commission under the provisions of subsection (2), and such commission has entered upon its duties, the ordinance shall not thereafter be repealed, and the commission shall be maintained and shall continue to function in accordance with the provisions of law.

(4) Any city of the third class which, prior to the effective date of this Act, had created a planning and zoning commission under the provisions of KRS 100.500 to 100.830, is authorized to create a joint city-county planning and zoning commission under the provisions of subsection (2), and discontinue its present commission, but all existing resolutions, ordinances, plans, regulations, restrictions, etc., of the present commission shall continue in full force and effect until superseded by applicable resolutions, ordinances, plans, regulations, restrictions, etc., of the new joint city-county planning and zoning commission.

By Senator Ford.

S. B. No. 196. AN ACT relating to boards of park commissioners in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 97.440 of the Kentucky Revised Statutes is amended to read as follows:

(2) Each board may:

(a) Contract and be contracted with, sue and be sued, have and use a corporate seal and alter and renew it at pleasure;

(b) Acquire and hold property for public parks and public squares and for parkways connecting the parks by condemnation, contract, purchase or gift;

(c) Lay out and improve the parks, parkways, squares and other property held or managed by it with walks, drives, roads, trees and other proper improvements, and contract for such improvements;

(d) Protect all property and improvements belonging to the board or under its management or control from injury or decay;

(e) Adopt rules and regulations for the reasonable and proper use and for preventing injuries to or misuse of all parks, parkways, public squares, boulevards, driveways, walks and park property generally;

(f) Prevent disorder and improper conduct within the precincts of any park or enclosure, or upon any drive, walk or avenue under the control of the board;

(g) Control and manage the planting and care of all shade trees along the sidewalks and thoroughfares of the city, and adopt and enforce rules and regulations necessary for the protection and care of such trees;

(h) Sell, convey, lease and otherwise dispose of all or any portion of the park property owned, held or controlled by the board to boards of education of cities of the second class for valuable consideration where and when said park properties are to be used for school purposes, and to make, execute and deliver any and all instruments necessary and proper to effectuate transfer of legal title thereto.

Ordered that said bills be printed and referred.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 145. AN ACT relating to crimes and punishments.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second

reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 154. AN ACT authorizing the Governor of the Commonwealth of Kentucky to enter into a compact with any other state or states for mutual assistance in meeting any civil defense emergency or disaster.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provisions as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 148. AN ACT concerning promotion of agriculture and horticulture.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 153. AN ACT concerning civil defense.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 92. AN ACT relating to confederate pensions.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision

as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 116. AN ACT relating to crimes and punishment.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 157. AN ACT relating to children, and their care, custody, treatment and disposition; including provisions as to juvenile courts and as to the jurisdiction and powers of other courts concerning children, and provisions for establishment of agencies and facilities of the state for the administration of state functions regarding children.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 101. AN ACT relating to the trust and agency fund of the Metal Stamping Plant in the Department of Welfare.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Julian Golden	Alvin Kidwell
Eugene H. Clark	James P. Hanratty	James Lassiter
Louis Cox	Doug Hays	Homer E. Losey
Martin J. Duffy	W. Thomas Hines	James R. Mansfield
Wayne Freeman	Stanley Hoffman	Earl F. Martin

C. W. A. McCann	William J. Sample	Wendell Van Hoose
Strother Melton	Clay Shackleford	Sylvester Wagner
Richard P. Moloney	Leon Shaikun	Ed P. Warinner
Jack R. Reynolds	Cortis K. Stacy	John M. Williams
Freeman Robinson	Paul Stapleton	E. V. Withers

—30

There voted in the negative—

Archie Craft —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 100. AN ACT relating to the Department of Welfare including smoking regulations in the Penal Institutions and Houses of Reform.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Jack R. Reynolds
Eugene H. Clark	Alvin Kidwell	Freeman Robinson
Martin J. Duffy	James Lassiter	William J. Sample
Ernest M. Ford	Homer E. Losey	Leon Shaikun
Wayne Freeman	James R. Mansfield	Cortis K. Stacy
Julian Golden	Earl F. Martin	Paul Stapleton
James P. Hanratty	C. W. A. McCann	Wendell Van Hoose
Doug Hays	Strother Melton	Ed P. Warinner
W. Thomas Hines	Richard P. Moloney	John M. Williams
Stanley Hoffman	O. W. Montgomery	E. V. Withers

—30

There voted in the negative—

Archie Craft —1

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 99. AN ACT relating to support of children, amending section 405.020 of the Kentucky Revised Statutes.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said

bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Alvin Kidwell	Freeman Robinson
Eugene H. Clark	James Lassiter	William J. Sample
Archie Craft	Homer E. Losey	Clay Shackleford
Martin J. Duffy	James R. Mansfield	Cortis K. Stacy
Ernest M. Ford	Earl F. Martin	Paul Stapleton
Julian Golden	C. W. A. McCann	Wendell Van Hoose
Doug Hays	Strother Melton	Sylvester Wagner
W. Thomas Hines	Richard P. Moloney	Ed P. Warinner
Stanley Hoffman	O. W. Montgomery	John M. Williams
Dr. J. E. Johnson	Jack R. Reynolds	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that H. B. No. 70 be taken from its place in the Orders of the Day and put upon its passage.

Said motion was agreed to.

The Senate then took up for consideration said bill entitled, viz:

H. B. No. 70. AN ACT relating to fertilizer.

Senator Moloney then offered the following amendment to said bill, viz:

Amendment No. 1

By striking from page 3, line 4 of the printed bill the word "registrar" and inserting in lieu thereof the word "registrant"

Senator Moloney moved that the Senate do now adopt said amendment to said bill.

Said motion was agreed to.

And thereupon said amendment to said bill was adopted.

The Senate then took up for consideration said bill, with said amendment.

Senator Hoffman moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment. having been dispensed with, said bill, with amendment, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Stanley Hoffman	Jack R. Reynolds
Eugene H. Clark	Dr. J. E. Johnson	Freeman Robinson
Louis Cox	Alvin Kidwell	William J. Sample
Archie Craft	James Lassiter	Clay Shackleford
Martin J. Duffy	Homer E. Losey	Cortis K. Stacy
Ernest M. Ford	James R. Mansfield	Paul Stapleton
Wayne Freeman	Earl F. Martin	Wendell Van Hoose
Julian Golden	C. W. A. McCann	Sylvester Wagner
James P. Hanratty	Strother Melton	John M. Williams
Doug Hays	Richard P. Moloney	E. V. Withers
W. Thomas Hines	O. W. Montgomery	—32

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 152. AN ACT relating to the ad valorem tax system of the state, counties, cities and other taxing districts.

Senator Reynolds moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Doug Hays	C. W. A. McCann
Eugene H. Clark	W. Thomas Hines	Strother Melton
Louis Cox	Stanley Hoffman	Richard P. Moloney
Archie Craft	Dr. J. E. Johnson	O. W. Montgomery
Martin J. Duffy	Alvin Kidwell	Jack R. Reynolds
Ernest M. Ford	James Lassiter	Freeman Robinson
Wayne Freeman	Homer E. Losey	William J. Sample
Julian Golden	James R. Mansfield	Clay Shackleford
James P. Hanratty	Earl F. Martin	Cortis K. Stacy

Paul Stapleton	Sylvester Wagner	John M. Williams
Wendell Van Hoose	Ed P. Warinner	E. V. Withers

—33

Senator Stapleton moved that the title of said House Bill No. 152 be amended as follows:

AMENDMENT TO TITLE

To amend the title by striking out the period after the word "districts" and inserting in lieu thereof a comma and adding the words "and this Act shall be called the 'Sanders-Reynolds' Bill."

Said motion was agreed to.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of hearing report of Enrollment Committee.

Said motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled resolutions of the following titles, viz:

H. Res. No. 13. A JOINT RESOLUTION appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the Senate, and appropriating the sum of Two Thousand ($2,000.00) Dollars for a contingent fund for the Clerk of the House.

H. Res. No. 14. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest," and declaring an emergency.

Thereupon, all other business was suspended, said resolutions were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said resolutions to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be incorrectly enrolled a bill of the following title, viz:

H. B. No. 115. AN ACT permitting the creation of a County Police Force Merit System, providing for the establishment of a Merit Board and defining its powers and duties, and providing for the classification, qualification, examination, appointment, tenure, promotion, demotion, fine, suspension, discipline, immunities and removal of police personnel, prohibiting certain defined political activities, providing penalties therefor and repealing laws in conflict.

Senator Moloney moved that the Clerk of the Senate return House Bill No. 115 to the House with the message that House Bill No. 115 does not have an enacting clause and, therefore, the President will not sign same.

Said motion was agreed to.

After a time the Chief Clerk of the Senate aforesaid reported that he had discharged that duty.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 131. AN ACT relating to the making of wills by minors, amending section 394.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 394.030 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of twenty-one can make any will, except in the following instances.

(1) In pursuance of a power specially given to that effect.

(2) A father, though under twenty-one years of age, may by will appoint a guardian for his child.

(3) Any person, while a member of the Armed Forces of the United States, may execute a will to the extend authorized in KRS 394.020. The provisions of this subsection shall be in addition to the provisions of KRS 394.050.

H. B. No. 132. AN ACT relating to survival of actions, amending section 411.140 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 411.140 of the Kentucky Revised Statutes is amended to read as follows:

No right of action for personal injury or for injury to real or personal property shall cease or die with the person injuring or injured, except actions for slander, libel, criminal conversation, and so much of the action for malicious prosecution as is intended to recover for the personal injury. For any other injury an action may be brought or revived by the personal representative, or against the personal representative, heir or devisee, in the same manner as causes of action founded on contract.

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7); KRS 341.090 (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370 (4) and (5); KRS 341.380; KRS 341.390; KRS 341.420 (3); KRS 341.540; and KRS 341.990 (5).

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That subsection (5) of Section 341.030 of the Kentucky Revised Statutes is amended to read as follows:

(5) "Wages" does not include the amount of any payment made by an employing unit without deduction from the remuneration of the worker of the tax imposed under Section 1400 of the Federal Internal Revenue Code.

Section 2. That subsection (6) of Section 341.030 of the Kentucky Revised Statutes is amended to read as follows:

(6) "Wages" does not include any dismissal payments which an employing unit is not legally required to make unless such payments are subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund.

Section 3. That subsection (7) of Section 341.030 of the Kentucky Revised Statutes is amended to read as follows:

(7) "Wages" does not, for the purposes of KRS 341.260 to 341.290, include that part of remuneration which, after wages equal to three thousand dollars have been paid to a worker by a subject employer with respect to covered employment during any calendar year, is paid to such worker by such subject employer with respect to covered employment during such calendar year, unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purpose of this subsection wages paid to a worker by a predecessor subject employer shall be considered as having been paid by its successor.

Section 4. That subsection (3) of Section 341.090 of the Kentucky Revised Statutes is amended to read as follows:

(3) "Base-period wages" means the wages paid to a worker during his base period by subject employers for covered employment. The Commissioner may, with respect to this subsection, consider wages payable to mean wages paid in order to prevent inequities in particular cases.

Section 5. That Section 341.145 of the Kentucky Revised Statutes is amended to read as follows:

341.145 RECIPROCAL ARRANGEMENTS. (1) The Commissioner may enter into administrative arrangements with

the agencies of other states or the Federal Government similarly charged with the administration of unemployment compensation laws, for the purpose of assisting the Commissioner and such agencies in the payment of benefits under the several laws. Such arrangements may provide that the respective agencies shall, for and on behalf of each other, act as agents in effecting registrations for work, notices of unemployment, and any other certifications or statements relating to a worker's claim for benefits; in making investigation, taking depositions, holding hearings, or otherwise securing information relating to benefit eligibility and payments; and in such other matters as the Commissioner considers suitable in effectuating the purpose of these administrative arrangements.

(2) The Commissioner may enter into arrangements with the appropriate agencies of other states or the Federal Government whereby workers performing services in this and other states for a single employing unit under circumstances not specifically provided in KRS 341.050, or under similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states.

(3) (a) Any provisions of this chapter to the contrary notwithstanding, the Commissioner is hereby authorized to enter into reciprocal arrangements with duly authorized agencies of other states or of the Federal Government, or both, whereby workers with potential rights to benefits in this and another state or other states or the Federal Government may have such rights determined upon the basis of his combined potential rights in such jurisdictions. Benefits, based upon such combined potential rights, may be paid either under provisions of this chapter or under the provisions of the law of another state or the Federal Government, or under such combination of provisions of both laws as may be agreed upon as being fair and reasonable to all affected interests. No such an arrangement shall be entered into unless each agency entering into such arrangement shall agree to reimburse the fund of the other agency to the extent of the liability incurred under terms of the arrangement. Reimbursements to another state or the Federal Government, paid from the fund pursuant to this subsection, shall be deemed to be

benefits for the purposes of this chapter and charged to employers' reserve accounts in accordance with the provisions of subsections (2) and (3) of KRS 341.530 to the extent of calculations made on wages paid during the base period established by KRS 341.090 and wages paid after such base period; provided, however, benefits based on a period previous to the base-wage period established by KRS 341.090 shall be charged to the pooled account.

(b) In order that such reciprocal arrangements, when entered into, may be effectuated, wages for insured work under an employment security law of another state or of the Federal Government shall be deemed to be wages earned in covered employment from a subject employer for the purpose of determining his benefits under this chapter.

Section 6. That Section 341.200 of the Kentucky Revised Statutes is amended to read as follows:

341.200 POWER TO HEAR WITNESSES, ISSUE SUBPOENAS AND TO SERVE PROCESS. (1) In the discharge of the duties imposed by this chapter members of the Commission, the Commissioner or any duly authorized representative thereof, may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records considered necessary and relevant as evidence in connection with the administration of this chapter. Such subpoena shall be served in the same manner as a subpoena issued out of a circuit court and the sheriff shall receive the same fee as provided by law for like service in civil actions. Witnesses subpoenaed shall be allowed witnesses' fees according to the rates prescribed by KRS 421.010 for each day their attendance is actually required at a hearing.

(2) The Commissioner or any authorized representative of the Commissioner shall have the power, in any and all counties of this Commonwealth, now granted by law to sheriffs within their respective jurisdictions, to execute and make due return of all notices, summonses, including summonses duces tecum, subpoenas, and executions in respect to all court actions instituted to enforce the provisions of this chapter. Neither the Commis-

sioner nor his authorized representative shall be deemed to be an interested party in the action by reason of his official or representative capacity.

Section 7. That Section 341.230 of the Kentucky Revised Statutes is amended to read as follows:

341.230 DESTRUCTION OF RECORDS. The Commissioner may authorize the destruction of such original reports and records as have been properly recorded and summarized in the permanent records of the Bureau of Employment Security or are no longer considered necessary for the proper administration of this chapter. Wage records of the individual worker or transcripts thereof may be destroyed or disposed of two years after the expiration of the period covered by them or upon proof of death of the worker. Such destruction or disposition shall be made only by order of the Commissioner. Any money received from the disposition of such records shall be deposited to the credit of the Unemployment Compensation Administration Fund.

Section 8. That Section 341.260 of the Kentucky Revised Statutes is amended to read as follows:

341.260 PAYMENT OF CONTRIBUTIONS BY EMPLOYER. (1) Contributions shall accrue and become payable by each subject employer for each calendar year in which he is subject to this chapter. Such contributions shall be based upon wages paid during such calendar year for covered employment. Such contributions shall become due and be paid at the offices of the Division in Frankfort by each subject employer to the Division for the fund in accordance with such regulations as the Commission prescribes, and shall not be deducted in whole or in part from the wages of workers in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded, unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(2) If any employer fails to file reports when due, or files an incorrect or insufficient report, the Commissioner may, after an investigation, determine such employer's liability and assess the contributions due on the basis of an estimate of such employer's payroll, and shall give written notice of such assess-

ment to such employer. Such determination or assessment shall become final twenty days after such notice was mailed to the employer's last known address unless an appeal is initiated under KRS 341.430. After such determination or assessment shall have become final as herein provided, it shall be received in evidence in all courts of this Commonwealth as conclusive of the amount owing the Commonwealth in respect to the claim or claims concerning which the determination shall have been made.

Section 9. That Section 341.270 of the Kentucky Revised Statutes is amended to read as follows:

341.270 DETERMINATION OF EMPLOYER'S CONTRIBUTION RATE. (1) Each subject employer's contribution rate shall be two and seven-tenths percent except as otherwise provided in this section.

(2) For each calendar year the rate applicable to each subject employer shall be two and seven-tenths percent unless contributions were payable to his account with respect to the three consecutive years immediately preceding the computation date, and no subject employer's rate shall be less than two and seven-tenths percent unless funds were available throughout the preceding year, from which benefits could have been paid from his account, to any worker in his employ who became unemployed and eligible.

(3) For each calendar year each subject employer's rate shall, except as provided in KRS 341.560, be determined upon the basis of his actual experience in the payment of contributions paid and credited to his reserve account and with respect to benefits charged against that account. If, as of the computation date, the balance of that account equals or exceeds five times the largest amount of benefits charged against it within any one of the three years last preceding the computation date, his contribution rate shall be:

(a) One and eight-tenths percent if such balance equals or exceeds three and thirty-three one-hundredths percent but is less than four and eighteen one-hundredths percent of that part of the payroll or payrolls by which contributions to that ac-

count were measured for the thirty-six months last preceding the computation date;

(b) Nine-tenths of one percent if such balance equals or exceeds four and eighteen one-hundredths percent but is less than five percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date;

(c) Zero if such balance equals or exceeds five percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date;

(d) Three and two-tenths percent for the calendar year 1953 and three and seven-tenths percent for each calendar year thereafter, if the employer's reserve account was credited with any sums under the provision of subsection (2) of KRS 341.550 and as further provided in subsection (5) of this section as of the computation date.

(4) The Commission may by regulation prescribe the computation date for determining rates applicable to any calendar year. "Computation date" means the date, occurring at least once in each calendar year and within twenty-seven weeks prior to the effective date of new rates of contributions, as of which those rates are computed.

(5) "Balance" as used in this section and KRS 341.530 to 341.560 means the total of all contributions paid and credited to a reserve account plus the total of all benefits charged in accordance with subsection (2) of KRS 341.550, against the pooled account because of the exhaustion, as of a computation date, of such reserve account less the total of all benefits charged against that reserve account.

Section 10. That Section 341.300 of the Kentucky Revised Statutes is amended to read as follows:

341.300 PENALTY ON UNPAID CONTRIBUTIONS; COLLECTION. (1) Contributions unpaid on the date on which they are due and payable, as prescribed by the Commission, shall be subject to a penalty at the rate of one percent

per month or fraction thereof from and after such date until payment is received by the Division, irrespective of whether such delinquency has been reduced to a judgment or not as provided in subsection (2) of this section. These penalties shall be paid into the Unemployment Compensation Contingent Fund.

(2) If, after due notice, any subject employer defaults in any payment of contributions or penalties thereon, the amount due shall be collected by a civil action instituted in the Franklin Circuit Court in the name of the state, and the subject employer adjudged in default shall pay the costs of the action. Civil actions brought under this section shall be heard by the court, without the intervention of a jury, at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the Workmen's Compensation Law.

(3) At or after the commencement of an action under subsection (2) of this section attachment may be had against the property of the liable subject employer for such contributions and penalties without the execution of a bond, or after judgment has been entered an execution may be issued against the property of such employer without the execution of a bond.

(4) An action for the recovery of contributions or penalties under this section shall be barred and any lien therefor shall be canceled and extinguished unless collected or suit for collection has been filed within five years from the due date of such contributions, except in the case of the filing of a false or fraudulent report the contributions due shall not be barred and may at any time be collected by the methods set out in this chapter, including action in a court of competent jurisdiction.

Section 11. That Section 341.310 of the Kentucky Revised Statutes is amended to read as follows:

341.310 LIEN ON EMPLOYER'S PROPERTY FOR CONTRIBUTIONS. (1) A lien on a parity with state, county, and municipal ad valorem tax liens, and superior to the lien of any mortgage or other encumbrance heretofore or hereafter created is hereby created in favor of the Division upon all property of

any subject employer from whom contributions, interest or penalties are or may hereafter become due. This lien shall be for a sum equal to the amount at any time due from each subject employer to the Division on account of contributions, interest and penalties thereon. The lien shall commence from such time as the contributions, interest or penalties become due.

(2) The Commissioner may file notice of this lien with the county court clerk of any county where the subject employer has property, giving the name of the subject employer, his address, and the amount of the lien. The clerk shall file same in the same manner as his lis pendens are filed. The files shall be designated "Miscellaneous State Tax Liens." The notice, when so filed, shall be conclusive notice to all persons of the lien on the property having legal situs in that county, except that nothing in this chapter shall be construed to alter or change in any way the law relative to the rights and duties of a holder in due course as provided in KRS Chapter 356, or affect the rights of any person taking the property or a lien thereon for value without actual or constructive notice. The clerk shall be entitled to a fee of $1.25 for filing the lien, and said fee shall become a part of the lien as an added cost of the delinquent subject employer to be paid by him as a part of the amount necessary to release the lien, and in no event shall the Commonwealth, the Department or the Division be required to pay same.

(3) In addition and as an alternative to any other remedy, the Commissioner may enforce the lien by petition in the name of this state to the circuit court of Franklin County, if the ministerial acts necessary to enforce the lien by the sale of the liened property or any part of it are performed by the appropriate officers of the circuit court of the county in which the property is situated under the direction of and reporting to the Franklin Circuit Court. The manner of enforcement shall be the same as that provided for the enforcement of other tax liens.

(4) (a) The Commissioner shall have the power to issue a certificate of partial release of any part of the property subject to the lien if he finds that the fair market value of that part of such property remaining subject to the lien is at least equal to the amount of all other liens upon such property plus double the

amount of the liability for contributions, interest and penalties thereon remaining unsatisfied.

(b) The Commissioner may also issue a certificate of release of lien upon the furnishing of a corporate surety bond satisfactory to the Commissioner by such employing unit in the amount of one hundred and twenty-five (125) percent of the sum of such contribution, interest and penalty, for which lien is claimed, conditioned upon the prompt payment of such contribution, together with interest and penalty thereon, by such employing unit to the Division in accordance with the provisions set forth in such bond.

Section 12. That subsection (4) of Section 341.370 of the Kentucky Revised Statutes is amended to read as follows:

(4) No worker shall be disqualified under paragraph (b) or (c) of subsection (1) or subsection (2) of this section unless the employer, within a reasonable time as prescribed by commission regulation, notifies the Division and the worker in writing of the alleged voluntary quitting or the discharge for misconduct; provided, however, that nothing in this subsection shall restrict the right of the Commissioner to disqualify a worker whose employer has refused or failed to notify the Division of the alleged voluntary quitting or discharge for misconduct if such alleged voluntary quitting or discharge for misconduct is known to the Commissioner prior to the time benefits are paid to such worker; provided further, that the exercise of such right by the Commissioner, in the absence of timely notice from the employer, shall not relieve the employer's reserve account of benefit charges under the provisions of KRS 341.530 (3).

Section 13. That subsection (5) of Section 341.370 of the Kentucky Revised Statutes is amended to read as follows:

(5) As used in this subsection and in subsection (3) of KRS 341.530, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; except that, if the work last preceding such week of unemployment was intermittent or temporary in nature, most recent work may be construed as that work last preceding such intermittent or temporary work.

Section 14. That Section 341.380 of the Kentucky Revised Statutes is amended to read as follows:

341.380 PAYMENT OF BENEFITS; AMOUNT. (1) All benefits shall be paid through employment offices, or such other agencies designated by regulations of the Commission. Claims for all payments of benefits shall be made in accordance with regulations of the Commission.

(2) Benefits payable to an eligible worker, whose benefit year begins on or after April 1, 1952, for weeks of unemployment shall, except as provided in KRS 341.390, be at the benefit rate in Column "C" of Table "A" which appears on the same line with the "Base-Period Wages" of the worker as shown in Column "B" of the same table.

(3) The maximum amount of benefits payable to any worker within any benefit year shall be the amount in Column "D" of Table "A" which appears on the same line with "Base-Period Wages" of such worker as shown in Column "B" of the same table.

TABLE A

WAGE CLASS (A)	BASE-PERIOD WAGES (B)	BENEFIT RATE (C)	MAXIMUM AMOUNT (D)
0	Less than $300.00	$0.00	$ 0.00
1	$ 300.00— 324.99	8.00	208.00
2	325.00— 349.99	9.00	234.00
3	350.00— 399.99	10.00	260.00
4	400.00— 449.99	11.00	286.00
5	450.00— 499.99	12.00	312.00
6	500.00— 549.99	13.00	338.00
7	550.00— 624.99	14.00	364.00
8	625.00— 699.99	15.00	390.00
9	700.00— 774.99	16.00	416.00
10	775.00— 849.99	17.00	442.00
11	850.00— 949.99	18.00	468.00
12	950.00— 1,049.99	19.00	494.00
13	1,050.00— 1,149.99	20.00	520.00
14	1,150.00— 1,299.99	21.00	546.00

15	1,300.00– 1,449.99	22.00	572.00
16	1,450.00– 1,599.99	23.00	598.00
17	1,600.00– 1,749.99	24.00	624.00
18	1,750.00– 1,899.99	25.00	650.00
19	1,900.00– 2,099.99	26.00	676.00
20	2,100.00– 2,299.99	27.00	702.00
21	2,300.00 or over	28.00	728.00

Section 15. That Section 341.390 of the Kentucky Revised Statutes is amended to read as follows:

341.390 DEDUCTIONS FROM BENEFITS. There shall be deducted from the benefit rate determined for a worker in accordance with subsection (2) of KRS 341.380:

(1) Eighty per cent, adjusted to the nearest multiple of one dollar, of the amount of wages earned by such worker during the week of unemployment with respect to which he claims benefits; and

(2) The amount of remuneration which the worker has received or is receiving with respect to such week of unemployment (adjusted to the nearest multiple of one dollar) in the form of remuneration in lieu of notice. For the purpose of this section wages that could have been earned by the claimant from available, suitable work which he failed or refused to accept shall be considered as "wages earned" for the purpose of determining the amount of benefits payable to the worker for that particular week of unemployment.

Section 16. That subsection (3) of Section 341.420 of the Kentucky Revised Statutes is amended to read as follows:

(3) If benefits are allowed by a determination but the record of the case indicates that a disqualification under KRS 341.360 or 341.370 has been alleged, or may exist, benefits shall not be paid prior to the expiration of the period for appeal as provided in subsection (2) of this section. No benefits may be paid during any time that an appeal is pending or prior to the expiration of the period for appeal, except that, if a referee affirms a determination allowing benefits, they shall be paid until or unless the decision of the referee is reversed by the Commission. If benefits are paid pursuant to a decision of the referee

that is finally reversed in any subsequent proceedings with respect thereto, no employer's account shall be charged with benefits so paid, but such benefits shall be permanently charged against the pooled account and shall not be considered as an overpayment to the claimant.

Section 17. That Section 341.540 of the Kentucky Revised Statutes is amended to read as follows:

341.540 RESERVE ACCOUNTS OF SUCCESSIVE EMPLOYERS. (1) If a subject employer shall transfer or otherwise reorganize his entire organization, trade or business, the successor in interest is hereby required to assume the resources and liabilities of such employer's reserve account and to continue the payment of all contributions due under this chapter, except that the successor in interest shall not be required to assume the liability of any delinquent contributions of his predecessor or predecessors unless the Division notifies him of such delinquency within six months after the Division has notice of the transfer of ownership.

(2) The liability for delinquent contributions imposed upon the successor in interest by subsection (1) of this section shall be secondary to the liability of his predecessor or predecessors and if the delinquency has been reduced to judgment the order of execution on such judgment shall be as follows:

(a) Against the assets, both real and personal, of the predecessor or predecessors;

(b) Against the assets, both real and personal, of the business transferred; and

(c) Against the assets, both real and personal, of the successor in interest.

(3) Notwithstanding the provisions of subsection (1), any employing unit which acquires a portion of the organization, trade or business from an employer for whom a reserve account has been maintained by the Division, and who is, or by reason of such acquisition becomes, a subject employer, shall assume the position of such employer with respect to the resources and liabilities of such reserve account in proportion to the extent of

such acquisition as agreed upon by the parties in interest and approved by the Commission, and the taxable payrolls, benefit charges and the potential benefit charges shall likewise be assumed by the successors in interest in a like proportion.

(4) The contribution rate of a successor employing unit, whether in whole or in part, which was a subject employer at the time of such succession, shall not be affected by the transfer until the next computation date. The contribution rate of a successor employing unit which was not a subject employer prior to such succession, shall be the same as its predecessor, unless the successorship was in part only, in which event its contribution rate shall be two and seven-tenths percent until the next computation date.

Section 18. That subsection (5) of Section 341.990 of the Kentucky Revised Statutes is amended to read as follows:

(5) Any person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact to the Commissioner to obtain or increase any benefit under this chapter or under an employment security law of any other state, or of the Federal Government, either for himself or for any other person, shall be fined not less than ten dollars nor more than fifty dollars or imprisoned for not more than thirty days, or both. Each false statement or representation or failure shall constitute a separate offense.

Section 19. DECLARATION OF AN EMERGENCY.

Whereas, this Act contains provisions necessary to conform with certain amendments to the Federal Unemployment Tax Act and others which must be put into effect on April 1, 1952, an emergency hereby is declared to exist and this Act shall become effective upon its passage and approval by the Governor; except as to the amendment herein to KRS 341.270 which shall become effective January 1, 1953.

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 81.190 of the Kentucky Revised Statutes is amended to read as follows:

Any city of the third class may annex any territory to the city in the county wherein said city is situated or in an adjoining county or reduce the boundaries of the city, in the same manner and under the same procedure as is provided in KRS 81.100 and 81.110 for annexation of unincorporated territory or reduction of boundaries by cities of the first class, with the following exceptions:

(1) If there is no daily newspaper published in the city, the ordinance proposing annexation or reduction of territory shall be published in at least four issues of a weekly paper published in and having the largest circulation in the city. If there is no daily or weekly newspaper published in the city, copies of the ordinance shall be posted for at least ten days in four of the most public places in the city.

(2) If the mayor is absent, the summons issued on the petition filed in circuit court shall be served on the members of the city legislative body.

(3) The proceedings in the circuit court shall be tried according to the practice prescribed for the trial of equity cases, without the intervention of a jury.

(4) There shall be no appeal from the judgment of the circuit court.

H. B. No. 196. AN ACT relating to public printing, amending Sections 57.045, 57.060, 57.090, 57.180 and 57.250 and repealing Sections 57.080 and 57.260 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 57.045 of the Kentucky Revised Statutes is amended to read as follows:

"Any state educational institution that has an established printing plant therein for the instruction of students in printing

may produce printing of any class for use by the institution but not for any outside agency. The rates charged for this printing shall not be in excess of rates established in current contracts by KRS 57.070."

Section 2. Section 57.060 of the Kentucky Revised Statutes is amended to read as follows:

"(1) The paper, necessary for state printing and binding of the first class, except materials for half binding, shall be furnished and paid for by the state. The Department of Finance shall, upon requisition of the contractor made from time to time, as the work requires, deliver to the contractor suitable paper. The Department of Finance shall take from the contractor and preserve a receipt for all paper so delivered. At the annual settlement on the first Monday in January the contractor shall report to the Department of Finance all paper so furnished that has not been used in the state printing and binding.

(2) Paper and supplies necessary for state printing and binding of the second class shall be furnished and paid for by the contractor.

(3) No contractor shall waste or convert to another use any paper furnished to him under sub-section (1) of this section."

Section 3. Section 57.080 of the Kentucky Revised Statutes is repealed.

Section 4. Section 57.090 of the Kentucky Revised Statutes is amended to read:

"The bids shal lbe sealed, addressed and delivered to the Division of Purchases, and shall be endorsed "Proposals for the Public Printing and Binding and Furnishing Stationery." The division shall carefully keep them until they are opened according to KRS 57.110.

Section 5. Section 57.180 of the Kentucky Revised Statutes is amended to read:

"The contractor for printing and binding of the first class shall promptly execute all orders of the General Assembly, or either house thereof, for printing, and all contractors under this

chapter shall promptly execute all orders issued to them by the General Assembly, or either house thereof, or by any state executive officer. The Acts and the journals of the two houses of the General Assembly shall be printed and bound, and delivered respectively within sixty days and one hundred eighty days after the end of the session to the State Librarian for distribution, under the penalty of forfeiture of the bond of the contractor. Printed signatures of the journals of each day's proceedings of each house of the General Assembly shall be printed for the use of the members thereof immediately after the copy is furnished to the contractor by the clerk of each house. The Department of Finance may, on good cause shown by the contractor, extend the time for not more than thirty days for executing any work, except the printed signatures of the journals."

Section 6. Section 57.250 of the Kentucky Revised Statutes is amended to read:

"Maximum rates for binding (including sewing) shall be as follows:

(1) For paper covers, including composition, presswork and putting on books, documents and publications, for one hundred copies, two dollars and fifty cents.

(2) For half binding with leather back and paper sides and titles lettered with gold leaf, per volume, one dollar.

(3) For full binding, per volume:

(a) Law skiver binding, one dollar and eighty cents.

(b) Law sheep binding, two dollars and forty cents.

(c) Law calf binding, three dollars.

(4) For cloth or buckram binding with plain, gilded lettering or embossed lettering on sides or backs, per volume, one dollar.

(5) The words "public property", "property of the state", "state Library", or the like shall be put in and on books without extra charge."

Section 7. Sections 57.080 and 57.260 of the Kentucky Revised Statutes are repealed.

H. B. No. 198. AN ACT amending KRS 45.280 relating to Petty Cash Funds of State Budget Units.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 45.280 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Any budget unit, when provided for by appropriation or when authorized by the Department of Finance, may establish one or more petty cash funds for the purpose of making disbursements requiring prompt cash outlay, and to carry out the provisions of KRS 42.060 (2) applying to the delegation of authority to purchase. The State Treasurer, upon warrants of the Department of Finance based upon a requisition from the head of the budget unit, shall pay to the head of such budget unit the amount necessary to establish such a fund. The custodian designated by the head of the budget unit shall, as often as may be necessary to replenish the fund and at least once each month, file with the Department of Finance a schedule of the disbursements from the fund, accompanied by appropriate vouchers and statements of indebtedness therefor approved by the head of the budget unit, and by a certificate as to the condition of the fund. The amount of the total of the approved voucher shall be paid to the custodian of the fund on the warrant of the Department of Finance, and the amount shall be devoted to reimbursement of the fund. Any question relative to the amount to be allowed in any petty cash fund, the expenditure thereof, the accounting therefor, and the repaymnet thereof to the State Treasurer, shall be determined by the Department of Finance. Each petty cash fund shall lapse with the appropriation on which it is based, but may be reestablished by appropriation for the next ensuing fiscal year or when authorized by the Department of Finance.

(2) Where work is done on public projects by the state through the use of its own personnel or facilities in whole or in part, which work is not subject to the provisions of KRS 42.070, the Budget unit having such work performed may,

when authorized by the Department of Finance, establish a petty cash fund for the purpose of defraying the expenses of the proposed project, which fund shall not exceed at any time an amount equal to twenty-five (25%) percent of the anticipated total cost of the project."

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 103.200 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 103.200 to 103.280, "industrial buildings" or "building" means any building or structure suitable for and intended for use as a factory, mill, shop, processing plant, assembly plant or fabricating plant, and/or the necessary operating machinery and equipment, to be rented or leased to an industrial concern by the city by which it is acquired.

H. B. No. 205. AN ACT relating to compensation of county officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Notwithstanding any of the provisions of KRS 64.480 to 64.760, and notwithstanding any action or non-action of a fiscal court contemplated by or referred to in those statutes, any county officer in a county having a population of less than 75,000, who was elected at the regular November election in 1949, and who is compensated wholly or in part from fees, shall receive as compensation, if the sources of the compensation are adequate for that purpose, a maximum of $7,200 per year for such years, of the term for which he was elected in 1949, as have not expired at the time this Act takes effect. If the sources of the compensation are not adequate to allow the maximum, the officer shall receive whatever amount is available.

H. B. No. 206. AN ACT relating to support of dependents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 407.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) A husband in one state is hereby declared to be liable for the support of his wife and any child or children under seventeen years of age and any other dependent residing or found in the same state or in another state having substantially similar or reciprocal laws, and, if possessed of sufficient means or able to earn such means, may be required to pay for their support a fair and reasonable sum according to his means, as may be determined by the court having jurisdiction of the respondent in a proceeding instituted under this chapter.

(2) A mother in one state is hereby declared to be liable for the support of her child or children under seventeen years of age residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever the father of such child or children is dead, or cannot be found, or is incapable of supporting such child or children, and, if she is possessed of sufficient means or able to earn such means, she may be required to pay for the support of such child or children a fair and reasonable sum according to her means, as may be determined by the court having jurisdiction of the respondent in a proceeding instituted under this chapter.

(3) The parents in one state are hereby declared to be severally liable for the support of a child seventeen years of age or older residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever such child is unable to maintain himself and is likely to become a public charge.

(4) A child or children born of parents who, at any time prior or subsequent to the birth of such child, have entered into a civil or religious marriage ceremony, shall be deemed the legitimate child or children of both parents, regardless of the validity of such marriage.

(5) A child or children born of parents who held or hold themselves out as husband and wife by virtue of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate child or children of both parents.

(6) A woman who was or is held out as his wife by a man by virtue of a common law marriage recognized as valid by the laws of the initiating state and of the responding state shall be deemed the legitimate wife of such man.

(7) Notwithstanding the fact that the respondent has obtained in any state or country a final decree of divorce or separation from his wife or a decree dissolving his marriage, the respondent shall be deemed legally liable for the support of any dependent child of such marriage.

(8) An adult person residing in one state is hereby declared liable for the support of a parent who is destitute of means of subsistence and unable because of old age, infirmity or illness to support himself or herself, residing or found in the same state or in another state having snubstantially similar or reciprocal laws.

Ordered that said bills be printed and referred.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of the consideration of further Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that S. B. No. 81 be taken from its place in the Orders of the Day and put upon its passage.

Said motion was agreed to.

The Senate then took up for consideration from the Orders of the Day said S. B. No. 81, entitled, viz:

S. B. No. 81. AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

Senator Shackelford moved the previous question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Leon Shaikun	
Louis Cox	Alvin Kidwell	Cortis K. Stacy	
Archie Craft	C. W. A. McCann	Paul Stapleton	
Martin J. Duffy	Strother Melton	Sylvester Wagner	
Ernest M. Ford	Richard P. Moloney	John M. Williams	
Wayne Freeman	Jack R. Reynolds	E. V. Withers	
Doug Hays	William J. Sample		
Stanley Hoffman	Clay Shackleford		—22

Those who voted in the negative were—

Augustus Cornett	Homer E. Losey	Ed P. Warinner	
Julian Golden	O. W. Montgomery		
W. Thomas Hines	Wendell Van Hoose		—7

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 66. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

Senator Moloney moved that consideration of said bill be deferred and that same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 57. AN ACT relating to the practice of dentistry.

Senator Martin moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Dr. J. E. Johnson	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Leon Shaikun
Augustus Cornett	James Lassiter	Cortis K. Stacy
Archie Craft	James R. Mansfield	Paul Stapleton
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Ernest M. Ford	C. W. A. McCann	Sylvester Wagner
Wayne Freeman	Strother Melton	Ed P. Warinner
Julian Golden	Richard P. Moloney	John M. Williams
Doug Hays	Jack R. Reynolds	E. V. Withers
W. Thomas Hines	Freeman Robinson	
Stanley Hoffman	William J. Sample	

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that H. B. No. 11 be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Said bill is entitled as follows, viz:

H. B. No. 11. AN ACT relating to terms of court in the Fifteenth Judicial District.

Senator Kidwell moved the adoption of an amendment to said bill by way of Committee Substitute, which is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (15) of section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in county at the following named time, and continue, if the business requires it, the number of days hereinafter pre-prescribed:

* * * * *

(15) **Fifteenth District.** Boone County, at Burlington, on the second Monday in April, August and December, twelve juridical days each.

Carroll County, at Carrollton, on the fourth Monday in April, August and November, twelve juridical days each.

Gallatin County, at Warsaw, on the third Monday in March and third Monday in June, twelve juridical days each; on the third Monday in November, six juridical days.

Grant County, at Williamstown, on the first Monday in February and October, eighteen juridical days each; on the first Monday in July, twelve juridical days.

Owen County, at Owenton, on the first Tuesday after the fourth Monday in February and October, seventeen juridical days each; on the third Monday in July, eighteen juridical days.

Section 2. This Act shall become effective on September 1, 1952.

Said motion was agreed to.

Thereupon said amendment by way of Committee Substitute was adopted.

Senator Kidwell moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment by way of Committee Substitute, be engrossed and read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, having been dispensed with, and same having been engrossed, said bill, with amendment by way of Committee Substitute, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment by way of Committee Substitute, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Wayne Freeman	Alvin Kidwell
Eugene H. Clark	Julian Golden	James Lassiter
Augustus Cornett	Doug Hays	Homer E. Losey
Archie Craft	W. Thomas Hines	James R. Mansfield
Martin J. Duffy	Stanley Hoffman	Earl F. Martin

C. W. A. McCann	Clay Shackleford	Sylvester Wagner
Richard P. Moloney	Leon Shaikun	Ed P. Warinner
O. W. Montgomery	Cortis K. Stacy	John M. Williams
Freeman Robinson	Paul Stapleton	E. V. Withers
Wm. J. Sample	Wendell Van Hoose	

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment by way of Committee Substitute, was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the Senate do now recess until 3 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate, Honorable Emerson Beauchamp, resumed the chair and presided over the Senate.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of the introduction of a resolution.

Said motion was agreed to.

Thereupon, a resolution of the following title was introduced, viz:

S. R. No. 21. A RESOLUTION directing the Legislative Research Commission to make an investigation and report of the fee system in courts.

Ordered that said resolution be printed and referred.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of hearing Committee Reports.

Said motion was agreed to.

REPORTS OF COMMITTEES

Senator McCann, Chairman of the Committee on Municipalities, to which same had been referred previously, reported

bills of the following titles, viz:

H. B. No. 127. AN ACT concerning waterworks in cities other than first class.

S. B. No. 149. AN ACT relating to the establishment, operation and maintenance of public parks in and by any county in the Commonwealth of Kentucky.

S. B. No. 155. AN ACT to amend and re-enact Section 91.140, Kentucky Revised Statutes, relating to election of officers and the appointment of employees of Sinking Funds of Cities of the first class and prescribing the powers and duties of such officers and employees.

S. B. No. 147. AN ACT relating to the control and suppression of air pollution; creating an air pollution control district in each county of the Commonwealth; providing procedure by which, and conditions under which, a district may be activated and organized; providing for the names and general and specific powers of the districts; providing for an air pollution control board and a hearing board for each district; providing for the powers and duties of such boards, and for the appointment, powers and duties of officers and employees of the districts; providing generally ways and means to effect the purposes of this Act; authorizing appropriations to the districts by counties and cities of the first and second classes; prohibiting the emission of smoke and other air contaminants of a greater density or opacity than those standards established herein; prohibiting the emission of other air contaminants under conditions described herein; declaring that the general assembly does not intend to occupy the field; specifying what are violations of this Act; affording injunctive relief against certain violations; providing for the penalties to be imposed upon violators of this Act; providing for appeals to the courts of the Commonwealth; and declaring an emergency to exist.

With the expression of opinion that said bills should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

Senator McCann, Chairman of the Committee on Municipalities, to which said bill had been referred previously, reported a bill of the following title, viz:

S. B. No. 159. AN ACT relating to utilities owned by cities of the second to sixth classes.

With the expression of opinion that same should pass with committee amendment.

Said amendment is as follows, viz:

COMMITTEE AMENDMENT TO S. B. No. 159

Committee Amendment No. 1

By eliminating from line 7 of page 1 of the printed bill the word "two-thirds" and substituting therefor the phrase "a majority."

Whereupon, said bill, with committee amendment, was read at length for the first time and

Ordered placed in the Calendar.

Senator Williams, Chairman of the Committee on Fish and Game, to which same had been referred previously, reported a bill of the following title, viz:

S. B. No. 71. AN ACT relating to game and fish.

With the expression of opinion that said bill should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which said bills had been referred previously, reported bills of the following titles, viz:

S. B. No. 102. AN ACT establishing County Social Service Advisory Committees for public assistance and child welfare.

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, needy blind and needy children, and amending sections 205.010, 205.200, 205.210, 205.240, and 205.990

of the Kentucky Revised Statutes and repealing subsection (3) of section 205.170 of the Kentucky Revised Statutes.

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

S. B. No. 119. AN ACT amending Section 423.010, Kentucky Revised Statutes.

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the Kentucky Revised Statutes.

H. B. No. 98. AN ACT relating to absent voting, amending sections 126.160, 126.170 and subsection (3) of section 126.270 of the Kentucky Revised Statutes.

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the Kentucky Revised Statutes.

With the expression of opinion that said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which same had been referred previously, reported bills of the following titles, viz:

H. B. No. 95. AN ACT relating to qualification, registration and purgation of voters.

With the expression of opinion that same should pass with Committee amendments.

Said committee amendments are as follows, viz:

COMMITTEE AMENDMENT NO. 1. To House Bill No. 95

By striking from the printed copy Sub-section 4, of Section 9, in its entirety, as the same appears on page 10, lines 40 to 49 inclusive, and inserting in lieu thereof the following:

"(4) Every supplier of gas, water, telephone service and electric current operating in the county shall on the fifth business day of each month furnish to the county court clerk a certified report containing the names of all persons for whom, dur-

ing the calendar month immediately preceding, gas, water, electric current or telephone service has been installed, moved to another location or discontinued, with the address at which the services were so installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the clerk and county board only for the purpose of correcting its records as provided in this Section."

COMMITTEE AMENDMENT NO. 2 To House Bill No. 95

By striking from the printed bill all of Sub-section 3, of Section 28, as the same appears on lines 16 and 17, on page 22, and on lines 18 to 29 inclusive on page 23, and inserting in lieu thereof the following:

"(3) Every gas, water, electric light and telephone company operating in a city of the first class shall, on the fifth business day of each month, furnish to the board of registration commissioners a certified report containing the names of all persons for whom, during the calendar month immediately preceding, gas, water, electric light or telephone service has been installed, moved to another location or discontinued, with the address at which the services were so installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the board only for the purpose of correcting its records as provided in this Section. Every department of the city shall, every Monday, furnish the board with the names and addresses of all persons who have, to the official knowledge of the department, moved during the preceding week."

S. B. No. 152. AN ACT relating to the Department of State Police.

Witt the expression of opinion that same should pass with Committee Amendments.

Said amendments are as follows, viz:

COMMITTEE AMENDMENTS TO S. B. No. 152

Committee Amendment No. 1.

By striking from Sub-section 2, of Section 6, on page 10, line 9 of the printed copy, the word "Commissioner," and inserting in lieu thereof the word "Governor"; and by striking

from line 11, in the same sub-section and on the same page the word "Commissioner" as the same first appears on said line, and inserting in lieu thereof the word "Governor", and by striking from line 26, in the same Sub-section but on page 11, the word "Commissioner" and inserting in lieu thereof the word "Governor".

Committee Amendment No. 2.

By inserting, after the word "may" on line 24 of page 10 in Sub-section 2 of Section 6, the words and punctuation as follows:

"with the approval of the Governor,"

Whereupon said H. B. No. 95 and S. B. No. 152, each with committee amendments, were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Reynolds, Chairman of the Committee on Public Utilities, to which said bill had been referred previously, reported a bill of the following title, viz:

S. B. No. 131. AN ACT to repeal, amend and reenact Sections 278.130, 278.190, 278.290, 278.410 and 278.450 Kentucky Revised Statutes, which sections relate to the regulation of utilities, and declaring an emergency to exist.

With the expression of opinion that same should pass with committee amendments.

Said committee amendments are as follows, viz:

Amendment No. 1

By striking from Section 2, page 2 of line 15, the words

"full hearings"

and inserting in lieu thereof the words "such hearing".

Amendment No. 2

By striking therefrom all of the subject matter appearing in Section 2, on page 3 of the printed copy, lines 20, 21, 22 and the word "period" on line 23, and inserting in lieu thereof the following:

"order made at the expiration of such five months the utility may place the proposed change of rate, charge, classification or service in effect at the end of such period after notifying the commission, in writing, of it's intention so to do."

Amendment No. 3.

By striking from the printed copy all of the subject matter appearing in Section 2, page 3, on lines 25, 26, 27 and the words and punctuation "are paid," on line 28, and inserting in lieu thereof the following:

"terested utility or utilities to maintain their records in such manner as will enable them, or the Commission, or any of its customers, to determine the amounts to be refunded and to whom due in the event a refund is ordered."

Amendment No. 4

By inserting a new sentence following the word "instructions" in Section 5, page 7, at the end of line 8, as follows:

"Any final order of the Commission, or remand of the proceedings, shall be subject to court review in the same manner as any other final order of the Commission."

Whereupon, S. B. No. 131, with committee amendments, was read at length for the first time and

Ordered placed in the Calendar.

Senator Moloney moved that the Senate do now adjourn until 10 A.M., February 15, 1952.

Said motion was agreed to.

And then the Senate adjourned.

FRIDAY, FEBRUARY 15, 1952

The Senate convened and was called to order by the President of the Senate, Honorable Emerson Beauchamp, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend W. P. Wilhoyte, Pastor of the Church of the Nazarene.

The roll of the Senate was called and the following Senators answered to their names, viz:

Eugene H. Clark	Louis Cox	Wayne Freeman
Augustus Cornett	Archie Craft	Julian Golden

Doug Hays	C. W. A. McCann	Paul Stapleton
W. Thomas Hines	Strother Melton	Otis C. Thomas
Stanley Hoffman	Richard P. Moloney	Wendell Van Hoose
Alvin Kidwell	O. W. Montgomery	Ed P. Warinner
James Lassiter	Jack R. Reynolds	John M. Williams
James R. Mansfield	William J. Sample	E. V. Withers
Earl F. Martin	Clay Shackleford	—26

The following Senators were absent—

H. Stanley Blake	James P. Hanratty	Leon Shaikun
Bernard J. Bonn	Dr. J. E. Johnson	Cortis K. Stacy
Martin J. Duffy	Bert Kiser	Sylvester Wagner
Ernest M. Ford	Homer E. Losey	Freeman Robinson
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Senator Stapleton moved that the reading of the Journal of the Senate of the proceedings for Thursday, February 14, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 37. AN ACT relating to jury service.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 29.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The jury commissioners shall take the most recent registered election voters' records for the county and from them carefully select from the intelligent, sober, discreet and impartial citizens in different portions of the county, the following number of names of such persons over twenty-one years of age:

(a) In counties having a population of ten thousand or

less, not less than one hundred and sixty-two nor more than two hundred.

(b) In counties having a population of more than ten thousand and not more than twenty thousand, not less than one hundred and sixty-two nor more than three hundred.

(c) In counties having a population of more than twenty thousand and not more than fifty thousand, not less than five hundred nor more than six hundred.

(d) In counties having a population of more than fifty thousand and not more than one hundred thousand, one thousand.

(e) In counties having a population of more than one hundred thousand, and its circuit court divided into branches, two thousand for each division of the court requiring the services of a jury.

(2) They shall place the name, and in counties containing a city of the first, second or third class, the address, of each person so selected, on a small slip of paper, each slip being as near the same size and appearance as practicable. In counties having courts of continuous session in which the commissioners have employed a typist, the typist shall type the names on the slips; in other counties the commissioners shall write the names on the slips in plain handwriting. Each slip shall be by them enclosed in a small case and deposited, unsealed, in a revolving drum, but before depositing any of the slips in the drum they shall carefully examine its contents and remove and destroy any slips found therein.

(3) The slips of paper upon which are written the names of persons placed by the commissioners upon the lists of grand and petit jurors shall be destroyed by the commissioners as soon as the names are recorded on the list.

Section 2. Section 29.010 of the Kentucky Revised Statutes is amended to read as follows:

A grand jury shall consist of twelve persons, each of whom must be a citizen of the county in which he is called to serve and over the age of twenty-one years. No civil officer, except

members of boards of education and subdistrict trustees, no surveyor of a highway, tavernkeeper, vender of distilled alcoholic spirits by license, or person who is under indictment or who has been convicted of a felony and not pardoned, shall be qualified to serve as a grand juror. The fact that a person not qualified served on a grand jury shall not be cause for setting aside indictments found by such grand jury.

Section 3. Subsection (2) of section 29.020 of the Kentucky Revised Statutes is amended to read as follows:

(2) No person shall be a qualified juror for the trial of criminal, penal or civil cases in any court unless he is a citizen at least twenty-one years of age, sober, temperate, discreet and of good demeanor.

Section 4. Subsection (3) of Section 29.040 of the Kentucky Revised Statutes is repealed.

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The lawful use of land for trade, industry or residence, in cities of the second class and in counties containing such a city, existing at the time of the adoption of any zoning regulation or restriction, or at the time of the adjustment or revision thereof, or amendment thereto, although such use does not conform to the provisions of such new regulations or restrictions, may be continued.

Section 2. The use of a building or structure existing at the time of the adoption of any zoning regulation or restriction, or at the time of any adjustment or revision thereof or amendment thereto, although such use does not conform to the provisions of such new regulations or restrictions, may be continued, and a nonconforming use of the building or structure may be changed to another nonconforming use of the same or more restricted classification.

H. B. No. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 164.130 of the Kentucky Revised Statutes is amended to read as follows:

The government of the University of Kentucky is vested in a board of trustees, consisting of the Governor, who shall be chairman of the board, the Superintendent of Public Instruction, the Commissioner of Agriculture, Labor and Statistics, and twelve competent citizens of Kentucky appointed by the Governor. The terms of the appointed members shall be for four years and until their successors are appointed and qualify. Beginning January 1, 1953, three of the twelve appointed members shall be appointed each year, provided however, in order to give appropriate effect to this provision, that between the effective date of this Act and January 1, 1953, appointments shall be as follows: Three members shall be appointed for a one-year term calculated to have begun on January 1, 1952, three members shall be appointed for a three-year term calculated to have begun on January 1, 1952, and three members shall be appointed for a four-year term calculated to have begun on January 1, 1952. The terms of the three members of the present board which will expire December 31, 1953, shall not be affected by the foregoing provision. Three of the appointed members shall be representative of agricultural interests, three shall be alumni of the university and six shall be other distinguished citizens of the state. The Governor shall so make the appointments as to divide the representation upon the board, including the ex officio members, equally between the two leading political parties of this state. With the exception of the members of the board of trustees appointed from the alumni of the university, no two appointed members of the board shall be residents of any one county in Kentucky. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for original appointments.

H. B. No. 154. AN ACT relating to service and sale of natural gas to owners of property where gas wells or gas pipe lines are located.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every gas pipe line company in this state, obtaining gas from wells located within this state, shall, upon the request of the owner of the property where any gas well or gas pipe line is located, furnish service to such owner at rates determined by the Public Service Commission.

H. B. No. 173. AN ACT concerning the development and promotion of the sheep industry in Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Agriculture, Labor and Statistics.

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(3) "Show, exhibition and sale" shall not include those held as a part of or in connection with any county or other local fair.

Section 2. It shall be the duty of the department to aid, encourage, foster and promote the development and improvement of the sheep industry in Kentucky. To that end, it shall be the duty of the department to promote, and assist in the promotion of shows and sales of sheep in Kentucky with the object and purpose of maintaining Kentucky's national recognition as a sheep state for breeding, producing, raising, exhibition, showing and sale of sheep and for said purposes there hereby is appropriated out of the General Fund to the

Department the sum of three thousand dollars ($3,000) for each of the fiscal years 1951-1952 and 1952-1953.

Section 3. From the appropriation made in Section 2 of this Act, one thousand dollars ($1,000) shall be used and applied in each of said fiscal years for the payment of premiums for district shows and sales which may be held in Kentucky in each of the fiscal years, 1951-1952 and 1952-1953 which is open on equal terms and conditions to all Kentucky 4-H Club members with a sheep project. One thousand dollars ($1,000) shall be used and applied in each fiscal year for the payment of premiums for district shows and sales which may be held in Kentucky in each of the fiscal years, 1951-1952 and 1952-1953 which is open on equal terms and conditions to all Kentucky Future Farmer members with a sheep project. One thousand ($1,000) shall be used and applied in each said fiscal years for the payment of premiums for district shows and sales which may be held in Kentucky in each of the fiscal years, 1951-1952 and 1952-1953 which is open on equal terms and conditions to all Kentucky adult sheep raisers in Kentucky. No Kentucky adult sheep raiser may show, exhibit or sell in more than one district show.

Section 4. Any show, exhibition and sale of sheep to be eligible to receive the aforesaid appropriations must provide that the entries in all classes must be open upon equal terms to all breeders of such sheep in Kentucky. The commissioner shall determine with respect to the aforesaid sheep which shows, exhibitions and sales in each year shall receive assistance and, in making such determination, he may consider such shows, exhibitions and sales as may have been held in Kentucky in any previous year and in any previous two-year period.

H. B. No. 193. AN ACT concerning boards of park commissioners in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 97.400 of the Kentucky Revised Statutes is amended to read as follows:

Each board shall consist of five members appointed by the mayor for terms of five years and until their successors are appointed and qualified. Except that in the appointment of successors to the members in office on July 1, 1952, one member shall be appointed for a term of one year, one for two years, one for three years, one for four years and one for five years. When a vacancy occurs, the person appointed to fill the vacancy shall hold office until the expiration of the term of the person whose vacancy he filled and until his successor is appointed and qualified.

H. B. No. 224. AN ACT relating to child labor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 339.230 of the Kentucky Revised Statutes is amended to read as follows: A minor who has passed his fourteenth birthday but is under sixteen years of age may be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except: (1) He may not be employed during regular school hours, unless:

(a) He has been granted a special employment certificate in accordance with the provisions of KRS 339.260, and then only in such occupations as are authorized in accordance with that section; or

(b) The school authorities have made arrangement for him to attend school at other than the regular hours, in which event he may be employed subject to KRS 339.260, during such of the regular school hours as he is not required to be in attendance under the arrangement; or

(c) He has graduated from high school.

(2) He may not be employed:

(a) In, about or in connection with any manufacturing or mechanical establishment.

(b) On or in connection with any power-driven machinery except under school supervision as provided in KRS 339.430.

(c) As a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

(d) In the manufacture, transportation, or use of explosives or highly inflamable substances; in or about mines or quarries; in any tunnel or excavation; in logging operations or in any sawmill, lathe mill, shingle mill, or cooperage stock mill; as engineers, firemen, brakemen, or switchmen on any railroad; in the operation of motor vehicles; upon any scaffolding or in heavy construction work; in operating steam boilers carrying a pressure of fifteen pounds or more; in operating or assisting in operating elevators, cranes, derricks, or hoists; in operating or assisting in operating any punch presses or stamping machines, metal or paper cutting machines having a guillotine action, metal shears or plate bending machines, machines used for cold rolling of heavy metal stock, wood-working machines, grinding, abrasive or polishing machines, laundry or dry cleaning machines, calendar rolls or mixing rolls in paper or rubber manufacturing, dough breakers or dough mixing machines, or machines used for opening, picking or carding of cotton or wool; in ore reduction works; smelters; hot rolling mills; plant manufacturing iron and steel; foundries; forging shops, and in any other place in which the heating, melting, or heat treatment of metals is carried on; in the manufacture or use of dangerous or poisonous dyes or chemicals and their compounds, or in the manufacture of lead, or in exposure to lead or its compounds; in any occupation involving exposure to radioactive substances; in oiling or cleaning machinery in motion; in stone cutting or polishing; or in assorting, manufacturing or packing tobacco.

(e) In, about or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption or dispensed (except he may be employed in places where the sale of alcoholic beverages by the package is merely incidental to the main business actually conducted), or in a pool or billiard room.

(f) In any place of employment, or at any occupation, that is hazardous or injurious to the life, health, safety or welfare of such minor.

(g) In a public bowling alley.

(3) A female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupation pursued in any street or public place.

Section 2. Section 339.240 of the Kentucky Revised Statutes is amended to read as follows: (1) A minor who has passed his sixteenth birthday but is under eighteen may be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except as provided in subsections (2) and (3) of this section.

(2) A minor of such age may not be employed, permitted or suffered to work in, about or in connection with any of the occupations enumerated or described in paragraph (d), (e) and (f) of subsection (2) of KRS 339.230, except that such a minor who is emploeyd under a written apprenticeship agreement that has been approved by the State Apprenticeship Council may perform work in, about or in connection with such enumerated or described occupations if the work is incidental to the apprentice training, is performed intermittently for short periods of time, and is under the direction and supervision of an instructor as a necessary part of the apprentice training.

(3) A female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupation pursued in any street or public place, nor as a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

Section 3. Section 339.260 of the Kentucky Revised Statutes is amended to read as follows: (1) No minor under eighteen years of age shall be employed, permitted or suffered to work in any gainful occupation more than six consecutive days in any one week, nor more than eight hours in any one

day, nor more than forty hours in any week, except that the six-day limitation shall not apply to employment as a newsboy in the sale or delivery of newspapers.

(2) No minor under sixteen years of age who is attending school and working outside of the hours he is required to be in attendance at school shall be employed, permitted or suffered to work for more than three hours on a school day or more than twenty-three hours during a school week.

(3) No minor of sixteen or seventeen years of age who is attending school in session during the day other than a part-time or continuation school, and working outside of the hours he is required to be in attendance at school, shall be employed, permitted or suffered to work for more than four hours on a school day or more than twenty-eight hours during a school week.

(4) No minor under fifteen years of age shall be employed, permitted or suffered to work in any gainful occupation before seven o'clock in the morning or after six o'clock in the evening of any day; nor shall any minor fifteen years of age be employed, permitted or suffered to work before seven o'clock in the morning or after eight o'clock in the evening of any day; nor shall any minor of sixteen and seventeen years of age be employed, permitted or suffered to work before six o'clock in the morning or after ten o'clock in the evening of any day, provided that minors between sixteen and eighteen years of age may be employed in a concert or theatrical performance up to 11:00 p. m.

Section 4. Section 339.290 of the Kentucky Revised Statutes is amended to read as follows: (1) Employment certificates shall be of three kinds: General employment certificates, vacation employment certificates, and special employment certificates. A general employment certificate shall permit the employment of a minor between sixteen and eighteen, or a minor who has completed high school, during the entire year. A vacation employment certificate shall permit the employment of a minor between fourteen and sixteen during school vacations or outside the hours the minor is required to be in attendance at school. A special employment certificate shall permit

the employment during the entire year of a minor fourteen or fifteen years of age who has been excused from compulsory school attendance under the provisions of paragraph (c) or (d) of subsection (1) of KRS 159.030. A special employment certificate shall be issued to a minor who has been so excused from compulsory attendance, upon compliance with the same requirements as in the case of a general employment certificate, except that a schooling record shall not be required. A special employment certificate shall not authorize the employment of a minor in or in connection with or for a factory.

(2) If on account of mental condition a minor has been exempted from attendance at school or recommended by a state child guidance clinic or other approved examiner to be placed in an institution for retarded children, the certificating officer shall issue an employment certificate to such minor only when satisfied that the work available and the supervision under which it will be performed are such that the job is suitable and safe for said minor to undertake.

Section 5. Section 339.300 of the Kentucky Revised Statutes is amended to read as follows: The employment certificates required by KRS 339.210 to 339.450 shall be issued by the local board of education through its superintendent or other authorized agent, in such form and under such conditions as may be prescribed by the Department of Education; provided, that in any county containing a city of the first or second class, probation officers may issue the special employment certificates provided for in KRS 339.290, in accordance with the regulations prescribed, and upon the forms furnished, under KRS 339.310.

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) On or before July 1, 1954, the Superintendent of Public Instruction shall classify the elementary and secondary school subjects included in the State Courses of

Study as prescribed by the State Board of Education under seven subject fields as follows: (a) Language Arts; (b) Social Studies; (c) Science and Health; (d) Mathematics; (e) Fine and Practical Arts; (f) Foreign Languages; (g) Vocational and Business Education. The Superintendent of Public Instruction shall arrange the seven subject fields into four adoption groups. The four adoption groups shall be arranged as nearly equal in number and purchase cost as possible.

(2) The schedule for the periods of adoption shall be as follows:

Adoptions in Group I shall be made in 1955 and the period of adoption shall be for four years.

Adoptions on Group II shall be made in 1955 and the period of adoption shall be for three years.

Adoptions in Group III shall be made in 1955 and the period of adoption shall be for two years.

Adoptions in Group IV shall be made in 1955 and the period of adoption shall be for one year.

Provided, however, in 1955 not more than one-half of the textbooks in use in any subject may be changed with the exception of the subjects in Group I in which all textbooks in use shall be adopted; or

Provided, further, that the State Textbook Commission, by mutual agreement with the textbook publishers now under contract with the State of Kentucky, may extend the present contracts as follows:

Contracts for all or part of the textbooks in use for the subjects in Group IV may be extended for a period of one year.

Contracts for all or part of the textbooks in use for the subjects in Group III may be extended for a period of two years.

Contracts for all or part of the textbooks in use for the subjects in Group II may be extended for a period of three years.

Upon the expiration of the periods of adoption or contract extensions as set in the aforesaid schedule for the periods of adoption and contract extensions in each of the above fields, adoptions shall be made for a period of four years for each adoption group in which textbooks for all the subjects shall be adopted.

Section 2. (1) The State Textbook Commission shall consist of the Superintendent of Public Instruction and eight appointive members. The eight members shall be appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction for terms of four years, excepting the 1954 appointments. Eight members shall be appointed on or before July 1, 1954 for the following terms: two members for terms of one year; two members for terms of two years; two members for terms of three years; and two members for terms of four years. Beginning with 1955 and each year thereafter, upon the expiration of the terms of the appointees, two members shall be appointed for terms of four years. All vacancies that occur on the State Textbook Commission shall be filled in like manner for the remainder of the unexpired terms. Nothing contained herein shall be construed to affect the tenure of office of persons serving on the State Textbook Commission on the effective date of this Act.

(2) The appointive members of the State Textbook Commission shall have had not less than five years teaching or supervising experience in the public schools of Kentucky and must have had at the time of their appointment at least four years of college training in a recognized institution of higher education. Five members of the Commission shall be classroom teachers actively employed in the public schools of Kentucky as teachers in subject field or fields for which the commission will select books. Two members shall be principals, supervisors, or superintendents of public schools or public school systems. One member shall be a member of the faculty of a public institution of higher education engaged in teacher education. In selecting the members of the State Textbook Commission the Superintendent of Public Instruction shall give due regard to representation from rural and urban areas and both elementary and secondary levels when both educational

levels are included in the subject field or fields for which adoptions are to be made.

(3) Members of the State Textbook Commission shall serve without remuneration except reimbursement for their actual expenses while attending Commission meetings.

(4) The meetings of the State Textbook Commission shall be open to the public.

(5) Not later than July 15 each year the Superintendent of Public Instruction shall call the State Textbook Commission into session at the State Capitol. The members of the State Textbook Commission shall elect one of its members as chairman and shall adopt rules and regulations for the procedure of the Commission. The Superintendent of Public Instruction shall be the Secretary of the Commission.

Section 3. (1) The Superintendent of Public Instruction shall prepare minimum manufacturing standards and specifications, construct score cards, and formulate other criteria for use in the selection and adoption of textbooks in Kentucky.

(2) It shall be the duty of the Superintendent of Public Instruction to prepare all necessary forms for use in the selection and adoption of textbooks, such as advertising for textbook bids, forms for bids, bonds and contracts, and other forms.

(3) The State Board of Education upon the recommendation of the Superintendent of Public Instruction shall have authority to prescribe (1) rules and regulations pertaining to all textbook samples for use on the State and local levels; and (2) shall have authority to prescribe rules and regulations relating to the agents and representatives of textbooks as to the number participating and the methods and procedures for use in textbook adoptions on the State and local levels.

(4) The Superintendent of Public Instruction, on or before July 20 prior to any adoption year, shall properly advertise the subjects for which textbook adoptions will be made and notify the different publishers of the same. The publishers, on or before August 20, prior to any adoption year, shall file with the Superintendent of Public Instruction textbook samples,

filing fees, textbook bids and bonds, and other specified information relative to the books that they desire to offer for adoption.

Section 4. Before textbooks offered for adoption and use in public schools of Kentucky may be lawfully approved and listed by the State Textbook Commission or purchased by any board of education, the person, firm or corporation offering the books for adoption and use shall file with the Superintendent of Public Instruction:

(1) Copies of all textbooks that the person, firm or corporation desires to offer for adoption and use, with a sworn statement of the list price, the lowest wholesale price and the lowest exchange price at which each of the books is sold in any adopting unit.

(2) A statement that all the books offered for sale, adoption, use and exchange do comply with the standards and specifications for textbooks designated by the Superintendent of Public Instruction as regards to paper, binding, printing, illustrations, subject matter, and other items included in the standards and specifications.

(3) Copies of any revision or special editions of the textbooks filed, with a statement describing in detail each point of difference from the regular edition filed, and the list price, the lowest wholesale price and the lowest exchange price at which the revision or special edition is sold anywhere in the United States.

(4) A fee of five dollars for each book filed except when a series of books is filed, in which case the fee shall be five dollars for the first book and one dollar for each additional book in the series. The fee provided by this subsection shall be paid at each and every adoption period.

(5) A bond running to the Commonwealth of Kentucky, executed by a surety company authorized to do business in this State, in a sum not less than two thousand dollars nor more than ten thousand dollars, to be determined by the Superintendent of Public Instruction.

Section 5. The bond required by the person, firm or cor-

poration offering the books for adoption shall be so conditioned that:

(1) The person, firm or corporation will furnish any of the books listed in the statement filed for the period of adoption from the date of the bond to any school district in Kentucky, or to any dealer appointed by the district, at the lowest wholesale price contained in the statement, f.o.b. the publisher's nearest shipping point.

(2) The person, firm or corporation will automatically reduce such prices in Kentucky whenever reductions are made anywhere in the United States, so that no such book shall at any time be sold in Kentucky at a higher wholesale price than is received for that book elsewhere in the United States.

(3) If the person, firm or corporation prepared an abridged or special edition of any book that has been listed and sells it elsewhere at a lower wholesale price than the wholesale price set out in the filed statement, the person will file a copy of the special edition with the price thereof in a supplemental statement with the Superintendent of Public Instruction.

(4) All books sold in Kentucky will be identical with the specimen books filed with the Superintendent of Public Instruction as regards size, paper, binding, print, illustrations, subject-matter, and other particulars which may affect the value of the books.

(5) The person, firm, or corporation will not enter into any agreement, understanding or combination to control the price of textbooks or to restrict competition in their sale in Kentucky.

Section 6. The form of the sworn statement and bond required shall be prescribed by the Attorney-General. The bond shall be in force for the adoption period. The person, firm, or corporation may at any time while the bond is in force file a supplemental statement covering additional books or special editions of books previously filed. The supplemental statement shall expire at the date of expiration of the original statement and bond. Prior to the expiration of any statement and bond the person may file a new statement and bond for a

further period of adoption, and if he fails to do so his right to offer textbooks for adoption and use in the public schools of Kentucky shall expire of the date of expiration of the former bond.

Section 7. The superintendent of schools of each school district shall notify the Superintendent of Public Instruction of any violation of any of the conditions in any bond so filed. If the Superintendent of Public Instruction finds that a violation has occurred, he shall instruct the Attorney-General to bring suit on the bond. Any sum recovered in such suit shall be paid into the State Treasury.

Section 8. (1) The State Textbook Commission shall, not later than October 1 prior to any adoption year, select, approve, and publish a list of ten books in each subject and grade, taking into account the needs of the various types of school organizations. Not more than two books for any subject and grade so listed shall be from the same person, firm, or corporation. If less than ten books in any subject and grade are offered, the Commission may list fewer than ten, but in that event it shall not list more than one book for the same subject and grade from the same person, firm, or corporation. The list shall be certified and presented to the Superintendent of Public Instruction on or before October 10 following the selection.

(2) The State Textbook Commission shall have the authority to reject any book which contains subversive material or information that is offered for listing or adoption. If the Commission finds on the multiple list any book which contains subversive material or information, provided the publisher of such book has been given written notice by the Secretary of the Commission not less than thirty (30) days prior to the meeting, the Textbook Commission shall have authority to remove the book from the state multiple list. The State Textbook Commission shall have the authority to add books to the state list when the number of books on the list is less than ten per subject and grade or when the list does not contain books for subjects added to the State Courses of Study.

(3) The Superintendent of Public Instruction shall make and execute contracts for the selected books with the publishers

within fifteen days of the approval of the books selected by the Commission. Except for the adoption in 1955 described heretofore in this Act, all contracts shall run for four years.

(4) The State Textbook Commission, during the interval from April 15 to April 25 inclusive, shall designate one book on the State multiple list for each subject and grade for use in the school district or districts that decline or fail to make textbook adoptions on or before April 1.

(5) The Superintendent of Public Instruction shall prepare a list of the adopted books and publish same and send a copy to the superintendents of each county and independent school district in Kentucky on or before October 15 of each adoption year.

Section 9. (1) Textbook publishers, upon the request of the superintendents of the county and independent school districts, shall furnish to the local boards of education the requested sample copies of their books that were selected and placed on the State multiple list of textbooks by the Textbook Commission. The textbook publishers shall ship and bill these copies to the local boards of education at the lowest wholesale price with shipping charges prepaid. After the school districts have made their textbook adoptions and certified them to the Superintendent of Public Instruction, all sample copies of books shall be returned to the publishers from whom obtained by May 1, shipping charges to be paid by the publishers. On the other hand, the local boards of education may retain the books but shall pay the publishers the lowest wholesale price for them.

(2) The board of education of each county and independent school district shall upon the recommendation of its superintendent and not later than April 1 of any adoption year select from the State multiple list one book for each subject and grade to be used as a basal text, in its school system for a period of four years.

(3) County and/or independent school district or districts, however, may decline to make textbook adoptions. Such a school district or districts that decline or fail to make textbook adoptions on or before April 1 shall use the books on the State

multiple list designated by the State Textbook Commission for each subject and grade for the adoption period.

(4) After the local board of education has adopted the basal textbooks for use of the district and not later than April 15, the superintendent of schools shall send to the Superintendent of Public Instruction a complete list of books adopted properly certified by the Chairman and Secretary of the Board of Education.

Section 10. No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and listed on the State multiple list of textbooks by the State Textbook Commission. Any changes of textbooks made by the State Textbook Commission shall not become effective until grades and classes of the respective county and independent school districts have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

Section 11. Each board of education may appoint one or more dealers to act as official retail agents for the sale of books for use in the school district, or any school unit may purchase and distribute books to its own patrons. Persons whose books have been adopted under these provisions shall furnish the books, either through the official retail agents or through respective boards of education, at the lowest wholesale price and the lowest exchange price listed with the Superintendent of Public Instruction f.o.b. the publisher's nearest shipping point. Each official retail agent shall give a reasonable bond, if required, to the persons who have contracts to furnish adopted texts. All orders given by the retail agent or board of education shall be promptly filled. The official retail agent shall sell the books at not more than twenty per cent in excess of the listed wholesale price. Where old books, displaced by new adoption, are offered by pupils in xchange for the corresponding new books, the new books shall be offered at a price not more than twenty per cent in excess of the listed exchange price. If any agent violates the requirements of this section, or fails to give reasonable bond requested by any person who has a

contract to furnish adopted texts, the board of education that appointed the agent may, by giving notice prior to May 1 in any year, revoke the appointment on July 1 of that year. When an agent's permit is revoked or terminated, all textbooks as per inventory of the agent must be paid for at wholesale price by the person from whom the textbooks were purchased, if the textbooks are of the lawful adoption.

Section 12. When a pupil removes from any school district, the board of education of the district, shall, if requested, purchase from the pupil the textbooks in actual use by him at the time. The price shall be based upon the condition of the books. The books may be sold by the board of education, or furnished to indigent children in the district.

Section 13. No superintendent, teacher or other official or employee of any institution supported wholly or in part by public funds shall act, either directly or indirectly, as agent for any person whose school textbooks are filed with the Superintendent of Public Instruction.

Section 14. No person shall secure or attempt to secure the adoption of any school textbook in any school district in this State by rewarding or promising to reward, directly or indirectly, any person in any public school in the State. No person shall offer or give any emolument to any person in any school district for any vote or promise to vote, or the use of his influence, for any school textbook to be used in this State.

Section 15. Sample books submitted to the State Textbook Commission for examination shall remain the property of the person submitting them if claimed within thirty days after adoption. If not claimed within that period they shall be sold by the State Board of Education.

Section 16. (1) Any witness who fails, without legal excuse, to attend or to testify, when required by the Superintendent of Public Instruction under these provisions, shall be fined not more than twenty-five dollars for each offense.

(2) Any person who violates any of the provisions of this Act shall be fined not more than five hundred dollars or imprisoned not more than three months, or both.

Section 17. Section 156.260 to 156.380 inclusive, and Section 156.990 of the Kentucky Revised Statutes are hereby repealed.

Ordered that said bills be printed and referred.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution of the following titles were introduced, viz:

By Senator Stapleton.

S. B. No. 197. AN ACT relating to the Flag, standard, colors and ensign of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The Flag of the Commonwealth of Kentucky shall be displayed on the main administration building of every public institution, and on the flagstaff or flagpole of every school on school days or, inclement weather, within the school building.

(2) Every school shall be furnished with a Flag of the Commonwealth and a flagstaff or flagpole.

Section 2. No person shall in any manner, for exhibition or display, place or cause to be placed upon, or expose or cause to be exposed to public view any Flag, standard, colors or ensign of the Commonwealth of Kentucky upon which has been placed, or to which is attached, appended, affixed or annexed, any word, figure, mark, picture, design or drawing, or advertisement of any nature; nor shall any person manufacture, sell, expose for sale or to public view or give away or use for any purpose, any article of merchandise, or a receptacle for merchandise or thing for carrying or transporting merchandise upon which has been placed a representation of any such Flag, standard, colors or ensign, to advertise, call attention to, decorate, mark or distinguish the article on which so placed; nor shall any person publicly mutilate, deface, defile, or defy, trample upon

or cast contempt, either by word or act, upon any such Flag, standard, colors or ensign.

Section 3. Any person violating the provisions of section 2 of this Act shall be fined not less than twenty-five dollars nor more than one hundred dollars.

By Senator Van Hoose.

S. B. No. 198. AN ACT relating to unemployment insurance.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (3) of section 341.310 of the Kentucky Revised Statutes is amended to read as follows:

(3) In addition and as an alternative to any other remedy, the Commissioner may enforce the lien by petition in the name of this state to the circuit court of the county in which the lien property is situated. The manner of the enforcement shall be the same as that provided for the enforcement of other tax liens.

Section 2. Section 341.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) In all cases of appeals arising under subsection (1) of KRS 341.360 or subsection (2) of KRS 341.430, court review may be had as provided in KRS 341.450, except that review may be had in the circuit court having jurisdiction in the county where the claimant resides or in the circuit court of the county in which the claimant was last employed.

(2) A claimant who has been denied benefits under subsection 1 of KRS 341.360 may appeal for himself and for and on behalf of all other claimants similarly situated within the establishment or to the establishments whose claims were denied by reason of the same alleged labor dispute or strike. An employer may appeal to the circuit court of the county of the employer's legal residence from the decision of the Commission

where benefits under subsection (1) of KRS 341.360 and all the workers in his establishment may be joined in such appeal.

By Senator Van Hoose.

S. B. No. 199. AN ACT relating to alcoholic beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 243.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who, by himself or through another, directly or indirectly, violates subsection (1) of KRS 243.020 shall, for the first offense be imprisoned in the county jail or workhouse for six months; for the second offense he shall be imprisoned in the county jail or workhouse for one year; and for the third and each subsequent offense, he shall be imprisoned in the penitentiary for not less than one year nor more than three years.

By Senator Withers.

S. B. No. 200. AN ACT relating to notaries public.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 423.010 of the Kentucky Revised Statutes is amended to read as follows:

The Governor may appoint as many notaries public as he deems necessary, who shall hold office for four years. Any person desiring to be appointed a notary public shall make written application to the Governor. The application shall be approved by the circuit judge, circuit clerk, county judge, county clerk, justice of the peace or a member of the General Assembly of the county of the residence of the applicant. No officer shall charge or accept any fee for approving the application. A notary public must be eighteen years of age, a resident of the county from which he makes his application, of good moral character and capable of discharging the duties imposed upon him by this

chapter, and the endorsement of the officer approving the application shall so state. The commission of the Governor on making the appointment must designate the limits within which the notary is to act. Before a notary acts he must take an oath in the county court of his county, that he will honestly and diligently discharge the duties of his station. He must in the same court, give an obligation with good surety, for the proper discharge of the duties of his office. Every certificate of a notary public shall state the date of the expiration of his commission.

By Senator McCann.

S. B. No. 201. AN ACT relating to Income Tax Credits.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The taxes due as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025 shall be credited with the following amounts:

(a) Twenty dollars, in the case of an unmarried individual;

(b) Forty dollars, in the case of an unmarried individual who is sixty-five years of age or over or blind;

(c) Sixty dollars, in the case of an unmarried individual who is sixty-five years of age or over and blind;

(d) Fifty dollars, in the case of a married individual, living with husband or wife, and in the case of a head of a family;

(e) One hundred dollars, in the case of a married individual, living with husband or wife, and in the case of a head of a family, who is sixty-five years of age or over or blind;

(f) One hundred and fifty dollars, in the case of a married individual, living with husband or wife, and in the case of a head of a family, who is sixty-five years of age or over and blind;

(g) Ten dollars, for each person other than husband or wife, or the first dependent of a head of a family, dependent

upon and receiving more than fifty percent of his support from the taxpayer during the taxable year for which the return is filed, if the dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

(h) Under (d), (e) and (f) if the husband and wife make separate returns, the tax credit allowed by those subsections may be taken by either or divided between them.

(i) An individual shall be considered blind within the meaning of this section if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his widest diameter of the visual field subtends an angle no greater than twenty degrees.

By Senator Cornett.

S. B. No. 202. AN ACT changing the classification of the City of Loyall, in Harlan County.

Said bill is as follows, viz:

Whereas, satisfactory information has been presented to the General Assembly that the population of the City of Loyall, in Harlan County, is such as to justify its being classified as a city of the fifth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Loyall, in Harlan County, is transferred from the sixth to the fifth class of cities.

By Senator Cox.

S. B. No. 203. AN ACT relating to motor vehicles, including the registration, transfer, sale, trading, delivering, mortgaging and otherwise encumbering motor vehicles.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. As used in this Act "Kentucky motor

vehicle bill of sale" means a bill of sale made upon the forms and in the manner as required by Section 4 of this Act and regulations of the Department of Revenue prescribed thereunder.

SECTION 2. KRS 186.020 is amended to read as follows:

"(1) Before the owner or operator of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall register it with the County Clerk of the county in which he resides, or if the owner does not reside in this state, in the county in which the motor vehicle is to be operated. A motor vehicle last registered in another state and purchased by a person for operation in this state shall be first registered in this state by and in the name of the purchaser and not in the name of the seller. Application shall be made by presenting to the clerk:

(a) A Kentucky motor vehicle bill of sale for the initial registration of a new motor vehicle.

(b) The owner's registration receipt, if the motor vehicle was last registered in this state and is being reregistered in the same owner's name.

(c) A bill of sale and the previous registration receipt, if last registered in good faith by the present owner in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership.

(d) A certificate of title, if last registered in good faith in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership.

(e) A Kentucky motor vehicle bill of sale accompanied by the documents required under sub-section (c) or (d) of this section, if the motor vehicle was last regis-

tered in another state by a person other than the present owner.

After that, he shall register his motor vehicle on or before March 1 of each year. In so far as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

(2) If an owner because of sickness or absence from the state is unable to renew the registration of his motor vehicle on or before March 1, he will be deemed to have complied with the law, if before operating the motor vehicle in this state he registers it at some later date and pays the fee for the full year, just as though he had renewed the registration on or before March 1. The owner shall file an affidavit showing sickness or absence."

SECTION 3. KRS 186.040 is amended to read as follows:

Upon paying the fee as provided by law, the owner of a motor vehicle shall be given a receipt containing the registration number, the owner's name and post office address, make of vehicle, motor number, car or chassis number, if any, model or year model, motive power, style body and such other information as the Department of Revenue may require. If the motor vehicle is a truck designed for the transportation of property, the gross weight in pounds, as declared by the owner, shall be shown in the receipt period. The declared gross weight shall be the weight of the vehicle and the heaviest load that the vehicle will be used to carry at any time on the highways. The owner shall also be furnished one plate. Provided however, if the department finds that there is a shortage of materials suitable for making plates or that a substantial savings will result, it may require by regulation with the approval of the Governor, that plates issued thereafter shall continue to be used for a designated subsequent period. For services performed, the owner shall pay the county clerk the sum of fifty cents for each registered in addition to the original fee.

SECTION 4. KRS 186.200 is amended to read as follows:

"(1) The bill of sale provided for by KRS 186.190 shall be in such form and of such size as the Department of Revenue may require and shall be in triplicate. The original copy shall have conspicuously printed thereon the word "Original"; the first carbon copy shall have conspicuously printed thereon the words "Clerk's Copy"; and the second carbon copy shall have conspicuously printed thereon the words "Owner's Copy." All copies shall contain the date of sale vendor's and vendee's names and post office addresses, the dealer's license number if vendor is a licensed dealer, a description of the motor vehicle and its motor and serial number, the total amount of any encumbrance or lien on said vehicle, the name and address of the mortgagee or lien-holder, the date any indebtedness thereon becomes due, and such other information as the Department of Revenue may require. The "Original" copy shall contain the date when and the name of the county clerk's office wherein the instrument of encumbrance is filed for record and shall also contain a space for indicating the date of satisfaction and release of such encumbrance. All three copies of the bill of sale shall be subscribed and sworn to before an officer authorized to administer an oath."

"(2) No person for himself or his employe or agent or as an officer of any court, shall sell, trade, transfer or deliver any motor vehicle without at the time making a bill of sale, in triplicate, as required by this Act and distribute the copies thereof as follows:

(a) If the motor vehicle is sold for cash or equivalent, the word "None" shall be inserted in the space provided for information relating to encumbrances, and all three copies shall be delivered to the purchaser.

(b) If the motor vehicle is sold subject to or under a mortgage, conditional sale contract, lien or other encumbrance, the information relating thereto as required by sub-section (1) of this section shall be inserted by the seller in the space provided therefor. The seller shall deliver the "Original Copy" to the mortgagee, conditional seller or the person otherwise holding a lien or other encumbrance

thereon or the assignee thereof and shall deliver the "Clerk's Copy" and "Owner's Copy" to the purchaser.

(c) The purchaser shall retain the "Owner's Copy" as evidence of ownership and shall deliver the "Clerk's Copy" to the clerk for original registration or for the transfer of registration. The "Clerk's Copy" shall be filed in his office in the manner and for the period as the Department of Revenue may by regulation require."

SECTION 5. KRS 186.190 is amended to read as follows:

"(1) Whenever a motor vehicle that has been previously registered changes ownership, the registration plates shall remain upon the motor vehicle as a part of it until the expiration of the registration year.

(2-a) No person acting for himself or another shall offer for sale or trade any motor vehicle without then and there having in his actual physical possession the clerk's receipt for the registration fee for the current year.

(2-b) No person acting for himself or another shall offer for sale or trade any motor vehicle, which has been originally registered in this state or has been sold, traded, transferred or delivered after December 31, 1952, without then and there having in his actual physical possession the "Original" and/or "Owner's Copy" of the Kentucky motor vehicle bill of sale naming him as owner thereof.

(3) No person shall sell or trade any motor vehicle without transferring by endorsement of the owner and delivering to the purchaser, the clerk's receipt for the registration fee for the current year, and delivering the three copies of the Kentucky motor vehicle bill of sale to the persons and as provided in Section 4 of this Act, naming the purchaser as the new owner thereof.

(4) No person acting for himself or another shall buy or trade for any motor vehicle without receiving the clerk's receipts for the registration fee for the current year, indorsed as provided by subsection (3), and receiving the

copies of the Kentucky motor vehicle bill of sale as provided in Section 4 of this Act, naming him as the purchaser thereof.

(5) Upon such change of ownership the purchaser, as the applicant for transfer of registration, shall present to the clerk (1) the indorsed registration receipt of the original owner. (2) the "Clerk's Copy" of the Kentucky motor vehicle bill of sale evidencing the transfer of ownership to the purchaser, and (3) if the motor vehicle has been originally registered in this state after December 31, 1952, or sold, traded, transferred or delivered after December 31, 1952, the "Original" copy of the Kentucky motor vehicle bill of sale which transferred ownership to the seller, all of which the clerk shall retain. The purchaser shall accompany them with a transfer fee of one dollar, for which the clerk shall issue a receipt bearing the same data as is required on the original receipt except the change in name or address. For the clerk's services in issuing the receipt the purchaser shall pay him a fee of fifty cents. The purchaser shall have in his possession a receipt showing the transfer before the motor vehicle is operated upon any highway.

(6) If the purchaser junks or otherwise renders the motor vehicle unfit for future use, he may, by immediately delivering to the clerk the registration plates, indorsed receipt and the "Original" and "Owner's Copy" of the Kentucky motor vehicle bill of sale, be relieved of the duty of transferring registration. The clerk shall then immediately return the plates, receipt and copies of the bill of sale to the department. For these services, the purchaser shall pay the clerk the fee of fifty cents.

(7) No licensed automobile dealer shall be required to pay the fees provided by this section."

SECTION 6. (1) It shall be the duty of the person, who, by any instrument of mortgage, contract or assignment acquires a lien upon a motor vehicle to enter or cause to be entered, immediately upon the filing of such instrument for record in the clerk's office, upon the "Original" copy of the Kentucky Motor vehicle bill of sale covering

said motor vehicle the date when and the name of the county clerk's office wherein the instrument creating said lien is filed for record and the other information relating to the existence and terms of the lien as required by Section 4 of this Act.

(2) Unless the holder of such lien complies with Section (1) of this section, he shall be deprived of the priority of his lien afforded him by KRS 382.630 or other provisions of law and shall make said lien invalid and unenforceable against any subsequent purchaser of the motor vehicle and against any subsequent holder of a lien upon said motor vehicle who complies with the provisions of this section.

(3) This section shall be applicable only with respect to motor vehicles originally registered in this state after December 31, 1952, or sold, traded, transferred or delivered after December 31, 1952.

SECTION 7. Sub-section (1) of KRS 186.180 is amended to read as follows:

"(1) If the owner loses his registration receipt, he may obtain a duplicate from the clerk upon filing a written statement as to the loss, upon a form furnished by the department, and presenting the "Original" or "Owner's Copy" of the Kentucky motor vehicle bill of sale, through the clerk, and he shall pay to the clerk a fee of fifty cents."

SECTION 8. If the owner of or the holder of a lien upon a motor vehicle loses the Kentucky motor vehicle bill of sale he may upon payment of a fee of $3.00 to the clerk apply to the clerk for a copy thereof, by filing a written sworn statement as to the loss, upon a form furnished by the Department. In no more than thirty days the clerk shall deliver to the owner or mortgagee a photostatic or typewritten copy thereof certified by the clerk to be a true and correct copy of the Kentucky motor vehicle bill of sale on file in his office.

SECTION 9. Sub-section (1) of KRS 186.070 is amended to read as follows:

"(1) Every manufacturer of, or dealer in, motor vehicles in this state shall register with each county clerk in which his principal office or place of business and any branch office or sub-agent or agency is located, pay an annual registration fee of twenty-five dollars to each clerk and file with each clerk a cash bond or a surety bond executed by an authorized corporate surety approved by the Department of Insurance, in the amount of three thousand dollars. The bond shall be in favor of the people of the Commonwealth of Kentucky and shall be conditioned upon the compliance by the dealer with Chapter 186 of the Kentucky Revised Statutes. Upon receipt of the fee and the bond, the clerk shall issue to the manufacturer or dealer a certificate of registration and one dealer plate. Every manufacturer or dealer registered under this section shall be furnished additional dealer's plates upon the payment of five dollars for each plate so desired. A motor vehicle bearing dealer's plates may be used only by a member of the firm registered or by a bona fide salesman or employe of the firm for any purpose reasonably connected with the sale or demonstration for sale and delivery of the dealer's motor vehicles, or by any manufacturer or dealer licensed as provided above in transporting any motor vehicle over the highways of this state to his place of retail business from a manufacturer or wholesale dealer in motor vehicles."

SECTION 10. (1) No person shall fraudulently alter, issue or offer to issue, or knowingly receive a fraudulent Kentucky motor vehicle bill of sale. No person shall knowingly make any false statement of any material fact in a Kentucky motor vehicle bill of sale.

(2) Any person violating the provisions of subsection (1) of this section shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned for not more than one year, or both.

SECTION 11. Any person who delivers or accepts any motor vehicle bill of sale signed in blank or which does

not contain the name of the purchaser shall be fined not less than ten dollars nor more than one thousand dollars.

SECTION 12. KRS 186.030 is hereby repealed.

SECTION 13. This Act shall become effective midnight, December 31, 1952.

By Senator Thomas.

S. B. No. 204. AN ACT changing the classification of the City of Danville, in Boyle County.

Said bill is as follows, viz:

Whereas, satisfactory information has been presented to the General Assembly that the population of the City of Danville, in Boyle County, is such as to justify its being classified as a city of the third class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Danville, in Boyle County, is transferred from the fourth to the third class of cities.

By Senator Stapleton.

S. Res. No. 22. A RESOLUTION inviting the Senate Committee on Municipalities to visit Campbell County, Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Senate Committee on Municipalities is respectfully invited to visit Campbell County within the next ten days, the exact date to be determined later, for the purpose of hearing public appeals for and against the passage of House Bill 153.

Ordered that said bills and resolution be printed and referred.

CALENDAR

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 129. AN ACT relating to coroners, amending section 213.090 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill, with amendment by way of Committee substitute, of the following title, viz:

S. B. No. 47. AN ACT concerning compensation of county commissioners.

Ordered that said bill, with amendment by way of Committee substitute, be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill, with amendment by way of Committee substitute, be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill, with amendment by way of Committee substitute, having been dispensed with, said bill, with amendment by way of Committee substitute, was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 20. AN ACT relating to chattel mortgages, amending Section 382.720 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 127. AN ACT concerning waterworks in cities other than first class.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 149. AN ACT relating to the establishment, operation and maintenance of public parks in and by any county in the Commonwealth of Kentucky.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 155. AN ACT to amend and re-enact Section 91.140, Kentucky Revised Statutes, relating to election of officers and the appointment of employees of Sinking Funds of Cities of the first class and prescribing the powers and duties of such officers and employees.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 147. AN ACT relating to the control and suppression of air pollution; creating an air pollution control district in each county of the Commonwealth; providing procedure by which, and conditions under which, a district may be activated and organized; providing for the names and general and specific powers of the districts; providing for an air pollution control

board and a hearing board for each district; providing for the powers and duties of such boards, and for the appointment, powers and duties of officers and employees of the districts; providing generally ways and means to effect the purposes of this Act; authorizing appropriations to the districts by counties and cities of the first and second classes; prohibiting the emission of smoke and other air contaminants of a greater density or opacity than those standards established herein; prohibiting the emission of other air contaminants under conditions described herein; declaring that the general assembly does not intend to occupy the field; specifying what are violations of this Act; affording injunctive relief against certain violations; providing for the penalties to be imposed upon violators of this Act; providing for appeals to the courts of the Commonwealth; and declaring an emergency to exist.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill, with Committee Amendment of the following title, viz:

S. B. No. 159. AN ACT relating to utilities owned by cities of the second to sixth classes.

Ordered that said bill, with Committee Amendment be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill with Committee Amendment be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill with Committee Amendment having been dispensed with, said bill with Committee Amendment was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 71. AN ACT relating to game and fish.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 102. AN ACT establishing County Social Service Advisory Committees for public assistance and child welfare.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, needy blind and needy children, and amending sections 205.010, 205.200, 205.210, 205.240, and 205.990 of the Kentucky Revised Statutes and repealing subsection (3) of section 205.170 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

S. B. No. 119. AN ACT amending Section 423.010, Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 98. AN ACT relating to absent voting, amending sections 126.160, 126.170 and subsection (3) of section 126.270 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the Kentucky Revised Statutes.

Ordered that said bill be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill with Committee Amendment of the following title, viz:

H. B. No. 95. AN ACT relating to qualification, registration and purgation of voters.

Ordered that said bill with Committee Amendment be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill with Committee

Amendment be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill with Committee Amendment having been dispensed with, said bill with Committee Amendment was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill with Committee Amendments of the following title, viz:

S. B. No. 152. AN ACT relating to the Department of State Police.

Ordered that said bill with Committee Amendments be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill with Committee Amendments be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill with Committee Amendments having been dispensed with, said bill with Committee Amendments was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The Senate then took up for consideration from the Calendar a bill with Committee Amendments of the following title, viz:

S. B. No. 131. AN ACT to repeal, amend and reenact Sections 278.130, 278.190, 278.290, 278.410 and 278.450 Kentucky Revised Statutes, which sections relate to the regulation of utilities, and declaring an emergency to exist.

Ordered that said bill with Committee Amendments be read at length for the second time.

Senator Moloney moved that the Constitutional provision as to the second reading at length of said bill with Committee Amendments be dispensed with and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill with Committee Amendments having been dispensed with, said bill with Committee Amendments was read for the second time by its title only and

Ordered placed in the Orders of the Day.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day bills entitled, viz:

S. B. No. 66. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

S. B. No. 145. AN ACT relating to crimes and punishments.

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

S. B. No. 116. AN ACT relating to crimes and punishment.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 157. AN ACT relating to children, and their care, custody, treatment and disposition; including provisions as to juvenile courts and as to the jurisdiction and powers of other courts concerning children, and provisions for establishment of agencies and facilities of the state for the administration of state functions regarding children.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Alvin Kidwell	Clay Shackleford	
Eugene H. Clark	James Lassiter	Paul Stapleton	
Augustus Cornett	Homer E. Losey	Otis C. Thomas	
Louis Cox	James R. Mansfield	Wendell Van Hoose	
Archie Craft	Earl F. Martin	Sylvester Wagner	
Ernest M. Ford	C. W. A. McCann	Ed P. Warinner	
Wayne Freeman	Strother Melton	John M. Williams	
Julian Golden	Richard P. Moloney	E. V. Withers	
Doug Hays	O. W. Montgomery		
W. Thomas Hines	Jack R. Reynolds		
Stanley Hoffman	William J. Sample		—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 154. AN ACT authorizing the Governor of the

Commonwealth of Kentucky to enter into a compact with any other state or states for mutual assistance in meeting any civil defense emergency or disaster.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Stanley Hoffman	Clay Shackleford
Eugene H. Clark	Alvin Kidwell	Paul Stapleton
Augustus Cornett	James Lassiter	Otis C. Thomas
Louis Cox	Homer E. Losey	Wendell Van Hoose
Archie Craft	James R. Mansfield	Sylvester Wagner
Martin J. Duffy	Earl F. Martin	Ed P. Warinner
Ernest M. Ford	C. W. A. McCann	John M. Williams
Wayne Freeman	Strother Melton	E. V. Withers
Julian Golden	Richard P. Moloney	
Doug Hays	Jack R. Reynolds	
W. Thomas Hines	William J. Sample	—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 153. AN ACT concerning civil defense.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	W. Thomas Hines	Jack R. Reynolds
Eugene H. Clark	Stanley Hoffman	Freeman Robinson
Augustus Cornett	Alvin Kidwell	William J. Sample
Louis Cox	James Lassiter	Clay Shackleford
Archie Craft	Homer E. Losey	Paul Stapleton
Martin J. Duffy	James R. Mansfield	Otis C. Thomas
Ernest M. Ford	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	C. W. A. McCann	Ed P. Warinner
Julian Golden	Strother Melton	John M. Williams
Doug Hays	Richard P. Moloney	E. V. Withers

—30

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 148. AN ACT concerning promotion of agriculture and horticulture.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Alvin Kidwell	William J. Sample
Augustus Cornett	James Lassiter	Clay Shackleford
Louis Cox	Homer E. Losey	Paul Stapleton
Archie Craft	James R. Mansfield	Otis C. Thomas
Martin J. Duffy	Earl F. Martin	Wendell Van Hoose
Wayne Freeman	C. W. A. McCann	Sylvester Wagner
Julian Golden	Strother Melton	Ed P. Warinner
Doug Hays	Richard P. Moloney	John M. Williams
W. Thomas Hines	O. W. Montgomery	E. V. Withers
Stanley Hoffman	Jack R. Reynolds	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 92. AN ACT relating to confederate pensions.

Senator Moloney moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernard J. Bonn	Wayne Freeman	Homer E. Losey
Eugene H. Clark	Julian Golden	James R. Mansfield
Augustus Cornett	Doug Hays	Earl F. Martin
Louis Cox	W. Thomas Hines	C. W. A. McCann
Archie Craft	Stanley Hoffman	Strother Melton
Martin J. Duffy	Alvin Kidwell	Richard P. Moloney
Ernest M. Ford	James Lassiter	O. W. Montgomery

Jack R. Reynolds	Otis C. Thomas	John M. Williams
William J. Sample	Wendell Van Hoose	E. V. Withers
Clay Shackleford	Sylvester Wagner	
Paul Stapleton	Ed P. Warinner	—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of hearing a report of the Committee on Enrollment.

Said motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled a bill of the following title, viz:

H. B. No. 22. AN ACT relating to the revocation or suspension of alcoholic beverage licenses; amending Section 243.500 of the Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Chief Clerk of the Senate deliver the original and enrolled copies of said bill to the Enrolling Clerk of the House.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Moloney moved that the Senate do now recess for five minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed time having arrived, the President of the Senate, Honorable Emerson Beauchamp, resumed the chair and presided over the Senate.

Senator Moloney moved that the Senate do now adjourn until 8 P.M., Monday, February 18, 1952.

Said motion was agreed to.

And then the Senate adjourned.

MONDAY, FEBRUARY 18, 1952

The Senate convened and was called to order by the President Pro Tem of the Senate, Honorable Louis Cox, Senator.

The Senate was opened with prayer by Doctor William B. Campbell, Pastor of the First Methodist Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	Dr. J. E. Johnson	Clay Shackleford
Bernard J. Bonn	Alvin Kidwell	Leon Shaikun
Eugene H. Clark	James Lassiter	Cortis K. Stacy
Augustus Cornett	Homer E. Losey	Paul Stapleton
Louis Cox	James R. Mansfield	Otis C. Thomas
Archie Craft	Earl F. Martin	Wendell Van Hoose
Martin J. Duffy	C. W. A. McCann	Sylvester Wagner
Ernest M. Ford	Strother Melton	Ed P. Warinner
Wayne Freeman	Richard P. Moloney	John M. Williams
Julian Golden	O. W. Montgomery	E. V. Withers
Doug Hays	Jack R. Reynolds	
W. Thomas Hines	Freeman Robinson	
Stanley Hoffman	William J. Sample	—36

The following Senators were absent—

Jas. P. Hanratty	Bert Kiser	—2

Senator Montgomery moved that the reading of the Journal of the Senate of the proceedings for Friday, February 15, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced, viz:

By Senator Warinner.

S. B. No. 205. AN ACT relating to public assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Public assistance in the amount of at least one hundred dollars shall be paid to the estate of any person who, at the time of death, was a recipient of public assistance and who did not leave an estate sufficient to provide him with a decent Christian funeral. The public assistance authorized herein shall be expended for funeral purposes only.

By Senator Wagner.

S. B. No. 206. AN ACT relating to property owned by a city or county, or city and county, located outside of the boundaries of such city and county.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding the provisions of Section 18 of Carroll's Criminal Code of Practice or any other laws to the contrary, after any city or county, or city and county, has acquired property without the county under the provisions of KRS 183.370, the determination of the question of what constitutes a public offense, as applied to acts committed on the acquired property, shall be made solely according to the laws applicable to the city or county, or city and county, which acquired such property, and the courts of such city or

county, or city and county, shall have the full and exclusive jurisdiction of all public offenses committed within the boundaries of the acquired property.

By Senator Duffy.

S. B. No. 207. AN ACT relating to partnership.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Part I

Preliminary Provisions

Section 1. NAME OF ACT.—This Act may be cited as Uniform Partnership Act.

Section 2. DEFINITION OF TERMS.—In this Act, "Court" includes every court and judge having jurisdiction in the case.

"Business" includes every trade, occupation, or profession.

"Person" includes individuals, partnerships, corporations, and other associations.

"Bankrupt" includes bankrupt under the Federal Bankruptcy Act or insolvent under any state insolvent act.

"Conveyance" includes every assignment, lease, mortgage, or encumbrance.

"Real Property" includes land and any interest or estate in land.

Section 3. INTERPRETATION OF KNOWLEDGE AND NOTICE.—(1) A person has "knowledge" of a fact within the meaning of this Act not only when he has actual knowledge thereof, but also when he has knowledge of such other facts as in the circumstances shows bad faith.

(2) A person has "notice" of a fact within the meaning of this Act when the person who claims the benefit of the notice:

(a) States the fact to such person, or

(b) Delivers through the mail, or by other means of communication, a written statement of the fact to such person or to a proper person at his place of business or residence.

Section 4. RULES OF CONSTRUCTION.—(1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Act.

(2) The law of estoppel shall apply under this Act.

(3) The law of agency shall apply under this Act.

(4) This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(5) This Act shall not be construed so as to impair the obligations of any contract existing when the Act goes into effect, nor to affect any action or proceedings begun or right accrued before this Act takes effect.

Section 5. RULES FOR CASES NOT PROVIDED FOR IN THIS ACT.—In any case not provided for in this Act the rules of law and equity, including the law merchant, shall govern.

PART II

NATURE OF PARTNERSHIP

Section 6. PARTNERSHIP DEFINED.—(1) A partnership is an association of two or more persons to carry on as co-owners a business for profit.

(2) But any association formed under any other statute of this state, or any statute adopted by authority, other than the authority of this state, is not a partnership under this act, unless such association would have been a partnership in this state prior to the adoption of this act; but this act shall apply to limited partnerships except in so far as the statutes relating to such partnerships are inconsistent herewith.

Section 7. RULES FOR DETERMINING THE EXISTENCE OF A PARTNERSHIP.—In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by Section 16 persons who are not partners as to each other are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:

(a) As a debt by installments or otherwise,

(b) As wages of an employee or rent to a landlord,

(c) As an annuity to a widow or representative of a deceased partner,

(d) As interest on a loan, though the amount of payment vary with the profits of the business,

(e) As the consideration for the sale of a good-will of a business or other property by installments or otherwise.

Section 8. PARTNERSHIP PROPERTY.—(1) All property originally brought into the partnership stock or subsequently acquired by purchase or otherwise, on account of the partnership, is partnership property.

(2) Unless the contrary intention appears, property acquired with partnership funds is partnership property.

(3) Any estate in real property may be acquired in

the partnership name. Title so acquired can be conveyed only in the partnership name.

(4) A conveyance to a partnership in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears.

PART III

RELATIONS OF PARTNERS TO PERSONS DEALING WITH THE PARTNERSHIP

Section 9. PARTNER AGENT OF PARTNERSHIP AS TO PARTNERSHIP BUSINESS.—(1) Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which he is a member binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom he is dealing has knowledge of the fact that he has no such authority.

(2) An act of a partner which is not apparently for the carrying on of the business of the partnership in the usual way does not bind the partnership unless authorized by the other partners.

(3) Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all the partners have no authority to:

(a) Assign the partnership property in trust for creditors or on the assignee's promise to pay the debts of the partnership,

(b) Dispose of the good-will of the business,

(c) Do any other act which would make it impossible to carry on the ordinary business of a partnership,

(d) Confess a judgment,

(e) Submit a partnership claim or liability to arbitration or reference.

(4) No act of a partner in contravention of a restriction on authority shall bind the partnership to persons having knowledge of the restriction.

Section 10. CONVEYANCE OF REAL PROPERTY OF THE PARTNERSHIP.—(1) Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the partner's act binds the partnership under the provisions of paragraph (1) of Section 9 or unless such property has been conveyed by the grantee or a person claiming through such grantee to a holder for value without knowledge that the partner, in making the conveyance, has exceeded his authority.

(2) Where title to real property is in the name of the partnership, a conveyance executed by a partner, in his own name, passes the equitable interest of the partnership, provided the Act is one within the authority of the partner under the provisions of paragraph (1) of Section 9.

(3) Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under the provisions of paragraph (1) of Section 9, unless the purchaser of his assignee, is a holder for value, without knowledge.

(4) Where the title to real property is in the name of one or more or all the partners, or in a third person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of Section 9.

(5) Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in such property.

SECTION 11. PARTNERSHIP BOUND BY ADMISSION OF PARTNER.—An admission or representation made by any partner concerning partnership affairs within the scope of his authority as conferred by this Act is evidence against the partnership.

SECTION 12. PARTNERSHIP CHARGED WITH KNOWLEDGE OF OR NOTICE TO PARTNER.—Notice to any partner of any matter relating to partnership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to his mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operate as notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

SECTION 13. PARTNERSHIP BOUND BY PARTNER'S WRONGFUL ACT.—Where, by any wrongful act or omission of any partner acting in the ordinary course of the business of the partnership or with the authority of his copartners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act.

SECTION 14. PARTNERSHIP BOUND BY PARTNER'S BREACH OF TRUST.—The partnership is bound to make good the loss:

(a) Where one partner acting within the scope of his apparent authority receives money or property of a third person and misapplies it; and

(b) Where the partnership in the course of its business receives money or property of a third person and the money or property so received is misapplied by any partner while it is in the custody of the partnership.

SECTION 15. NATURE OF PARTNER'S LIABILITY. —All partners are liable:

(a) Jointly and severally for everything chargeable to the partnership under Sections 13 and 14.

(b) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract.

SECTION 16. PARTNER BY ESTOPPEL.—(1) When a person, by words spoken or written or by conduct, represents himself, or consents to another representing him to any one, as a partner in an existing partnership or with one or more persons not actual partners, he is liable to any such person to whom such representation has been made, who has, on the faith of such representation given credit to the actual or apparent partnership, and if he has made such representation or consented to its being made in a public manner he is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made:

(a) When a partnership liability results, he is liable as though he were an actual member of the partnership.

(b) When no partnership liability results, he is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

(2) When a person has been thus represented to be a partner in an existing partnership, or with one or more persons not actual partners, he is an agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though he were a partner in fact, with respect to persons who rely upon the representation. Where all the members of the existing partnership consent to the representation, a partnership act or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation.

SECTION 17. LIABILITY OF INCOMING PARTNER.—A person admitted as a partner into an existing partnership is liable for all the obligations of the partner-

ship arising before his admission as though he had been a partner when such obligations were incurred, except that the liability shall be satisfied only out of partnership property.

PART IV

RELATIONS OF PARTNERS TO ONE ANOTHER

SECTION 18. RULES DETERMINING RIGHTS AND DUTIES OF PARTNERS.—The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

(a) Each partner shall be repaid his contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute toward the losses, whether of capital or otherwise, sustained by the partnership according to his share in the profits.

(b) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him in the ordinary and proper conduct of its business, or for the preservation of its business or property.

(c) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he agreed to contribute, shall be paid interest from the date of the payment or advance.

(d) A partner shall receive interest on the capital contributed by him only from the date when repayment should be made.

(e) All partners have equal rights in the management and conduct of the partnership business.

(f) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his services in winding up the partnership affairs.

(g) No person can become a member of a partnership without the consent of all the partners.

(h) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

SECTION 19. PARTNERSHIP BOOKS.—The partnership books shall be kept, subject to any agreement between the partners, at the principal place of business of the partnership, and every partner shall at all times have access to and may inspect and copy any of them.

SECTION 20. DUTY OF PARTNERS TO RENDER INFORMATION.—Partners shall render on demand true and full information of all things affecting the partnership to any partner or the legal representative of any deceased partner or partner under legal disability.

SECTION 21. PARTNER ACCOUNTABLE AS A FIDUCIARY.—(1) Every partner must account to the partnership for any benefit, and hold as trustee for it any profits derived by him without the consent of the other partners from any transaction connected with the formation, conduct, or liquidation of the partnership or from any use by him of its property.

(2)This section applies also to the representatives of a deceased partner engaged in the liquidation of the affairs of the partnership as the personal representatives of the last surviving partner.

SECTION 22. RIGHT TO AN ACCOUNT.—Any partner shall have the right to a formal account as to partnership affairs:

(a) If he is wrongfully excluded from the partnership business or possession of its property by his co-partners,

(b) If the right exists under the terms of any agreement,

(c) As provided by Section 21,

(d) Whenever other circumstances render it just and reasonable.

SECTION 23. CONTINUATION OF PARTNERSHIP BEYOND FIXED TERM.—(1) When a partnership for a fixed term or particular undertaking is continued after the termination of such term or particular undertaking without any express agreement, the rights and duties of the partners remain the same as they were at such termination, so far as is consistent with a partnership at will.

(2) A continuation of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is prima facie evidence of a continuation of the partnership.

PART V

PROPERTY RIGHTS OF A PARTNER

SECTION 24. EXTENT OF PROPERTY RIGHTS OF A PARTNER.—The property rights of a partner are (1) his rights in specific partnership property, (2) his interest in the partnership, and (3) his right to participate in the management.

SECTION 25. NATURE OF A PARTNER'S RIGHT IN SPECIFIC PARTNERSHIP PROPERTY.—(1) A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

(2) The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this Act and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

(b) A partner's right in specific partnership property is not assignable except in connection with the assignment of rights of all the partners in the same property.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

(d) On the death of a partner his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, curtesy, or allowances to widows, heirs, or next of kin.

SECTION 26. NATURE OF PARTNER'S INTEREST IN THE PARTNERSHIP.—A partner's interest in the partnership is his share of the profits and surplus, and the same is personal property.

SECTION 27. ASSIGNMENT OF PARTNER'S INTEREST.—(1) A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignee, during the continuance of the partnership to interfere in the management or administration of the partnership business or affairs, or to require any information or account of partnership transactions, or to inspect the partnership books; but it merely entitles the assignee to receive in accordance with his contract the profits to which the assigning partner would otherwise be entitled.

(2) In case of a dissolution of the partnership, the assignee is entitled to receive his assignor's interest and may require an account from the date only of the last account agreed to by all the partners.

SECTION 28. PARTNER'S INTEREST SUBJECT TO

CHARGING ORDER.—(1) On due application to a competent court by any judgment creditor of a partner, the court which entered the judgment, order, or decree, or any other court, may charge the interest of the debtor partner with payment of the unsatisfied amount of such judgment debt with interest thereon; and may then or later appoint a receiver of his share of the profits, and of any other money due or to fall due to him in respect of the partnership, and make all other orders, directions, accounts and inquiries which the debtor partner might have made, or which the circumstances of the case may require.

(2) The interest charged may be redeemed at any time before foreclosure, or in case of a sale being directed by the court may be purchased without thereby causing a dissolution:

(a) With separate property, by any one or more of the partners, or

(b) With partnership property, by any one or more of the partners with the consent of all the partners whose interests are not so charged or sold.

(3) Nothing in this Act shall be held to deprive a partner of his right, if any, under the exemption laws, as regards his interest in the partnership.

PART VI

DISSOLUTION AND WINDING UP

SECTION 29. DISSOLUTION DEFINED.—The dissolution of a partnership is the change in the relation of the partners caused by any partner ceasing to be associated in the carrying on as distinguished from the winding up of the business.

SECTION 30. PARTNERSHIP NOT TERMINATED BY DISSOLUTION.—On dissolution the partnership is not terminated, but continues until the winding up of partnership affairs is completed.

SECTION 31. CAUSES OF DISSOLUTION.—Dissolution is caused:

(1) Without violation of the agreement between the partners:

(a) By the termination of the definite term or particular undertaking specified in the agreement,

(b) By the express will of any partner when no definite term or particular undertaking is specified,

(c) By the express will of all the partners who have not assigned their interests or suffered them to be charged for their separate debts, either before or after the termination of any specified term or particular undertaking,

(d) By the expulsion of any partner from the business bona fide in accordance with such a power conferred by the agreement between the partners;

(2) In contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section, by the express will of any partner at any time;

(3) By any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership;

(4) By the death of any partner;

(5) By the bankruptcy of any partner or the partnership;

(6) By decree of court under Section 32.

SECTION 32. DISSOLUTION BY DECREE OF COURT.—(1) On application by or for a partner the court shall decree a dissolution whenever:

(a) A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind,

(b) A partner becomes in any other way incapable of performing his part of the partnership contract,

(c) A partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business,

(d) A partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him.

(e) The business of the partnership can only be carried on at a loss,

(f) Other circumstances render a dissolution equitable.

(2) On the application of the purchaser of a partner's interest under Sections 27 or 28:

(a) After the termination of the specified term or particular undertaking,

(b) At any time if the partnership was a partnership at will when the interest was assigned or when the charging order was issued.

SECTION 33. GENERAL EFFECT OF DISSOLUTION ON AUTHORITY OF PARTNER.—Except so far as may be necessary to wind up partnership affairs or to complete transactions begun but not then finished, dissolution terminates all authority of any partner to act for the partnership,

(1) With respect to the partners,

(a) When the dissolution is not by the act, bankruptcy or death of a partner; or

(b) When the dissolution is by such act, bankruptcy or death of a partner, in cases where Section 34 so requires.

(2) With respect to persons not partners, as declared in Section 35.

SECTION 34. RIGHT OF PARTNER TO CONTRIBUTION FROM CO-PARTNERS AFTER DISSOLUTION. —Where the dissolution is caused by the act, death or bankruptcy of a partner, each partner is liable to his co-partners

for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless:

(a) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or

(b) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

SECTION 35. POWER OF PARTNER TO BIND PARTNERSHIP TO THIRD PERSONS AFTER DISSOLUTION.—(1) After dissolution a partner can bind the partnership except as provided in Paragraph (3)

(a) By any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution;

(b) By any transaction which would bind the partnership if dissolution had not taken place, provided the other party to the transaction:

(I) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of the dissolution; or

(II) Though he had not so extended credit, had nevertheless known of the partnership prior to dissolution, and, having no knowledge or notice of dissolution, the fact of dissolution had not been advertised in a newspaper of general circulation in the place (or in each place if more than one) at which the partnership business was regularly carried on.

(2) The liability of a partner under paragraph (1b) shall be satisfied out of partnership assets alone when such partner had been prior to dissolution:

(a) Unknown as a partner to the person with whom the contract is made; and

(b) So far unknown and inactive in partnership affairs

that the business reputation of the partnership could not be said to have been in any degree due to his connection with it.

(3) The partnership is in no case bound by any act of a partner after dissolution:

(a) Where the partnership is dissolved because it is unlawful to carry on the business, unless the act is appropriate for winding up partnership affairs; or

(b) Where the partner has become bankrupt; or

(c) Where the partner has no authority to wind up partnership affairs; except by a transaction with one who:

(I) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of his want of authority; or

(II) Had not extended credit to the partnership prior to dissolution, and, having no knowledge or notice of his want of authority, the fact of his want of authority has not been advertised in the manner provided for advertising the fact of dissolution in paragraph (1b II).

(4) Nothing in this section shall affect the liability under Section 16 of any person who after dissolution represents himself or consents to another representing him as a partner in a partnership engaged in carrying on business.

SECTION 36. EFFECT OF DISSOLUTION ON PARTNER'S EXISTING LIABILITY.—(1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose

obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

(4) The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while he was a partner but subject to the prior payment of his separate debts.

SECTION 37. RIGHT TO WINDUP.—Unless otherwise agreed the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs; provided, however, that any partner, his legal representative or his assignee, upon cause shown, may obtain winding up by the court.

SECTION 38. RIGHTS OF PARTNERS TO APPLICATION OF PARTNERSHIP PROPERTY.—(1) When dissolution is caused in any way, except in contravention of the partnership agreement, each partner as against his copartners and all persons claiming through them in respect of their interests in the partnership, unless otherwise agreed, may have the partnership property applied to discharge its liabilities, and the surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, bona fide under the partnership agreement and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement under Section 36 (2), he shall receive in cash only the net amount due him from the partnership.

(2) When dissolution is caused in contravention of the partnership agreement the rights of the partners shall be as follows:

(a) Each partner who has not caused dissolution wrongfully shall have:

(I) All the rights specified in paragraph (1) of this section, and

(II) The right, as against each partner who has caused the dissolution wrongfully, to damages for breach of the agreement.

(b) The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the agreed term for the partnership and for that purpose may possess the partnership property, provided they secure the payment by bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his interest in the partnership at the dissolution, less any damages recoverable under clause (2aII) of the section, and in like manner indemnify him against all present or future partnership liabilities.

(c) A partner who has caused the dissolution wrongfully shall have:

(I) If the business is not continued under the provisions of paragraph (2b) all the rights of a partner under paragraph (1), subject to clause (2aII), of this section,

(II) If the business is continued under paragraph (2b) of this section the right as against his co-partners and all claiming through them in respect of their interests in the partnership, to have the value of his interest in the partnership, less any damages caused to his co-partners by the dissolution, ascertained and paid him in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the good-will of the business shall not be considered.

SECTION 39. RIGHTS WHERE PARTNERSHIP IS DISSOLVED FOR FRAUD OR MISREPRESENTATION. —Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled:

(a) To a lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership

liabilities to third persons for any sum of money paid by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and

(b) To stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect of the partnership liabilities; and

(c) To be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.

SECTION 40. RULES FOR DISTRIBUTION.—In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

(a) The assets of the partnership are:

(I) The partnership property,

(II) The contributions of the partners necessary for the payment of all the liabilities specified in clause (b) of this paragraph.

(b) The liabilities of the partnership shall rank in order of payment, as follows:

(I) Those owing to creditors other than partners,

(II) Those owing to partners other than for capital and profits,

(III) Those owing to partners in respect of capital,

(IV) Those owing to partners in respect of profits.

(c) The assets shall be applied in the order of their declaration in clause (a) of this paragraph to the satisfaction of the liabilities.

(d) The partners shall contribute, as provided by Section 18 (a) the amount necessary to satisfy the liabilities; but if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and,

in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

(e) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contributions specified in clause (d) of this paragraph.

(f) Any partner or his legal representative shall have the right to enforce the contributions specified in clause (d) of this paragraph, to the extent of the amount which he has paid in excess of his share of the liability.

(g) The individual property of a deceased partner shall be liable for the contributions specified in caluse (d) of this paragraph.

(h) When partnership property and the individual properties of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

(i) Where a partner has become bankrupt or his estate is insolvent the claims against his separate property shall rank in the following order:

(I) Those owing to separate creditors,

(II) Those owing to partnership creditors,

(III) Those owing to partners by way of contribution.

SECTION 41. INABILITY OF PERSONS, CONTINUING THE BUSINESS IN CERTAIN CASES. (1) When any new partner is admitted into an existing partnership, or when any partner retires and assigns (or the representative of the deceased partner assigns) his rights in partnership property to two or more of the partners, or to one or more of the partners and one or more third persons, if the business is continued without liquidation of the partnership affairs, creditors of the first or disolved partnership are also creditors of the partnership so continuing the business.

(2) When all but one partner retire and assign (or the representative of a deceased partner assigns) their rights in partnership property to the remaining partner, who continues the business without liquidation of partnership affairs, either alone or with others, creditors of the dissolved partnership are also creditors of the person or partnership so continuing the business.

(3) When any partner retires or dies and the business of the dissolved partnership is continued as set forth in paragraphs (1) and (2) of this section, with the consent of the retired partners or the representative of the deceased partner, but without any assignment of his right in partnership property, rights of creditors of the dissolved partnership, and of the creditors of the person or partnership continuing the business shall be as if such assignment had been made.

(4)When all the partners or their representatives assign their rights in partnership property to one or more third persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(5) When any partner wrongfully causes a dissolution and the remaining partners continue the business under the provisions Section 38 (2b), either alone or with others, and without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(6) When a partner is expelled and the remaining partners continue the business either alone or with others, without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(7) The liability of a third person becoming a partner in the partnership continuing the business, under this section, to the creditors of the dissolved partnership shall be satisfied out of partnership property only.

(8) When the business of a partnership after dissolution is continued under any conditions set forth in this section the creditors of the dissolved partnership, as against the separate creditors of the retiring or deceased partner or the representative of the deceased partner, have a prior right to any claim of the retired partner or the representative of the deceased partner against the person or partnership continuing the business, on account of the retired or deceased partner's interest in the dissolved partnership or on account of any consideration promised for such interest or for his right in partnership property.

(9) Nothing in this section shall be held to modify any right of creditors to set aside any assignment on the ground of fraud.

(10) The use by the person or partnership continuing the business of the partnership name, or the name of a deceased partner as part thereof, shall not of itself make the individual property of the deceased partner liable for any debts contracted by such person or partnership.

Section 42. RIGHTS OF RETIRING OR ESTATE OF DECEASED PARTNER WHEN THE BUSINESS IS CONTINUED. When any partner retires or dies, and the business is continued under any of the conditions set forth in Section 41 (1, 2, 3, 5, 6), or Section 38 (2b), without any settlement of accounts as between him or his estate and the person or partnership continuing the business, unless otherwise agreed, he or his legal representative as against such persons or partnership may have the value of his interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of his interest in the dissolved partnership with interest, or, at his option or at the option of his legal representative, in lieu of interest, the profits attributable to the use of his right in the property of the dissolved partnership; provided that the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any claim arising

under this section, as provided by Section 41 (8) of this Act.

Section 43. ACCRUAL OF ACTIONS. The right to an account of his interest shall accrue to any partner, or his legal representative, as against the winding up partners or the surviving partners or the person or partnership continuing the business, at the date of dissolution in the absence of any agreement to the contrary.

PART VII

MISCELLANEOUS PROVISIONS

Section 44. WHEN ACT TAKES EFFECT. This Act shall take effect on the ..... day of ..... one thousand nine hundred and .....

Section 45. LEGISLATION REPEALED. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

By Senator Bonn.

S. B. No. 208. AN ACT relating to election or rejection of the Workmen's Compensation Act by employes, amending section 342.395 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 342.395 of the Kentucky Revised Statutes is amended to read as follows:

In the event an employer elects to operate under this chapter, then every employe of such employer, as a part of his contract of hiring or who may be employed at the time of the acceptance of the provisions of this chapter by such employer, shall be deemed to have accepted all the provisions of this chapter and shall be bound thereby unless he shall have filed, prior to the injury, a written notice to the contrary with the employer. Until such notice to the contrary is so given to the employer, the measure of lia-

bility of such employer shall be determined according to the compensation provisions of this chapter. Any such employe may, without prejudice to any existing right or claim, withdraw his election to reject this chapter by filing with the employer a written notice of withdrawal, stating the date when the withdrawal is to become effective. Following the filing of such notice, the status of the party withdrawing shall become the same as if the former election to reject this chapter had not been made, except that withdrawal shall not be effective as to any injury sustained less than one week after the notice is filed.

By Senator Clark.

S. Res. No. 23. RESOLUTION authorizing the payment of V. T. C. Lines, Inc., of three hundred and forty ($340.00) dollars, being the amount due said company for having transported members of the Kentucky National Guard during an emergency.

Said resolution is as follows, viz:

WHEREAS, an emergency existed in Harlan County, Kentucky, in January, 1946, because of a flood in said county, and

WHEREAS, because of said emergency it was necessary for members of the National Guard to make one trip to Lexington, Kentucky, and one trip to Harrodsburg, Kentucky, and

WHEREAS, Major D. E. Perkins of Harlan, Kentucky, was then the commanding officer of that unit of the National Guard, and

WHEREAS, said Major D. E. Perkins requested and demanded that V. T. C. Lines, a company engaged in the operation of bus lines in Harlan County, transport said members of the National Guard to Harrodsburg, Kentucky, and to Lexington, Kentucky, and

WHEREAS, said V. T. C. Lines did furnish a bus for each of said two trips, and

WHEREAS, a contract was entered into between V. T. C. Lines and said Major D. E. Perkins, commander of said unit of the National Guard to the effect that said company would be paid a reasonable amount for its services, and

WHEREAS, the reasonable value of said services was One Hundred and Seventy ($170.00) Dollars per trip, and

WHEREAS, said V. T. C. Lines has never been paid any amount for such services,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the contract between V. T. C. Lines, Inc., and Major D. E. Perkins is hereby ratified and confirmed, and that the sum of Three Hundred and Forty ($340.00) Dollars, with interest thereon at Six (6%) per cent per annum from January 15, 1946, is hereby appropriated to V. T. C. Lines, Inc., of Harlan, Kentucky, to pay said company for the reasonable value of its services in transporting members of the National Guard to and from Harlan, Kentucky; Lexington, Kentucky, and Harrodsburg, Kentucky, during time of emergency in January, 1946, and the Commissioner of Finance is directed to draw his warrant on the general fund in favor of V. T. C. Lines, Inc., for such amount, and the Treasurer of the Commonwealth of Kentucky is directed to honor such warrant and issue such check thereon.

AFFIDAVIT

Affiant, Merle Middleton, states that he is president and general manager of V. T. C. Lines, Inc., a company operating motor buses for hire, with offices in Harlan, Kentucky; that in 1946 an emergency existed in Harlan County, Kentucky, by reason of a flood; that Major D. E. Perkins, who was the commander of the local unit of the National Guard, requested him to furnish transportation to members of that unit to Lexington, Kentucky, and to Harrodsburg, Kentucky; that the understanding between them was that the company would be reimbursed for the reasonable worth of such services; that two trips were made by bus, one to Lexington, Kentucky, and return, and one to Harrodsburg, Kentucky, and return; that the reasonable value of the services rendered was three hundred forty ($340.00) Dollars, and that

no payment of any amount has ever been made to affiant or his company.

Merle H. Middleton
President and General Manager
V. T. C. Lines, Harlan, Ky.

STATE OF KENTUCKY }
} Sct.
COUNTY OF HARLAN }

Subscribed and sworn to before me this the 7th day of February, 1952.

A. Frank Russell
Notary Public,

My commission expires the 30th day of August, 1955.

AFFIDAVIT

Affiant, D. E. Perkins, of Harlan County, Kentucky, states that he was in January, 1946, a major in the Kentucky National Guard and was commanding officer of the unit of the National Guard stationed in Harlan, Kentucky, at said time.

Your affiant further states that because of a flood that occurred in Harlan County, Kentucky, in January of 1946, an emergency existed requiring the transportation of members of the National Guard from Harlan, Kentucky, to Lexington, Kentucky, and from Harlan, Kentucky, to Harrodsburg, Kentucky. Your affiant further states that because of said emergency, your affiant did call upon V. T. C. Lines, a company engaged in the operation of busses in Harlan County, Kentucky, to transport one bus load of members of the National Guard to Lexington, Kentucky, and one bus load to Harrodsburg, Kentucky.

Affiant further states that at said time and place he did requisition two busses of V. T. C. Lines for the purposes hereinabove set out; that said busses transported National Guard personnel as hereinabove set out; and that at the time of said transportation it was distinctly understood between your affiant and said V. T. C. Lines that the bus company would be reimbursed for the reasonable value of the services so rendered. Your affiant further states that the reasonable value of the services

rendered was Three Hundred Forty ($340.00) Dollars and that, so far as this affiant knows, no payment has ever been made to said V. T. C. Lines for the services performed.

D. E. Perkins

STATE OF KENTUCKY
COUNTY OF HARLAN } Sct.

Subscribed and sworn to before me by D. E. Perkins in my state and county aforesaid, this the 8th day of February, 1952.

A. Frank Russell,
Notary Public,

My commission expires the 30th day of August, 1955.

By Senator Kidwell.

S. Res. No. 24. A RESOLUTION authorizing the payment of Special Commissioner's fee and costs in the contest case of Cox v. Hines.

Said resolution is as follows, viz:

WHEREAS, W. P. Cox instituted a contest against Thomas W. Hines before the Senate of the Commonwealth of Kentucky, contesting the seat of said Thomas W. Hines therein as Senator from the Seventh Senatorial District; and

WHEREAS, after a recount of all the votes in Warren County in said District, and after divers other proceedings, the contestant, W. P. Cox, has withdrawn his contest, and Thomas W. Hines has continued to occupy his seat from such district, and

WHEREAS, it appears that in connection with said contest, the Senate Contest Board retained the services of the Honorable Oldham Clarke, attorney, to act as Special Commissioner, and that he did so act and hold hearings, and submitted his report to the said Board, and that by reason thereof he became reasonably entitled to the sum of $250.00 for his services and the sum of $31.95 for his expenses therein, for the total amount of $281.95,

Now therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the Legislative Fund the sum of $281.95 to the Honorable Oldham Clarke, Special Commissioner for the Senate Contest Board in the contest between W. P. Cox and Thomas W. Hines for the office of Senator from the Seventh Senatorial District; and the Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer in favor of the said Oldham Clarke in the total amount herein specified.

Ordered that said bills and resolutions be printed and referred.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of the referral of bills.

Said motion was agreed to.

REFERRAL OF BILLS

Senator R. P. Moloney, Chairman of Committee on Committees announced the referral of the following Senate Bills and Resolutions and House Bills and Resolutions:

H. B. No. 139 and H. B. No. 173—Agriculture and State Fair

S. B. No. 167, 190, 191 and 201—Appropriations

H. B. No. 169 and S. B. No. 168, No. 202 and No. 204—Classification of Towns and Cities

S. Res. No. 18 and No. 19—Claims

S. B. No. 170 and No. 171—Constitutional Amendments

H. B. No. 123—Courts and Legal Procedure

S. Res. No. 20 and S. B. No. 172—Drains and Ditches

S. B. No. 182—Education

H. Res. No. 34 and H. B. No. 37, No. 78, No. 131, No. 132 and No. 206—S. Res. 21 and S. B. No. 185, No. 186 and 198—Judiciary and Judicial Council

H. B. No. 58, 145, 146, 196, 198, 224, 231—

S. Res. No. 17, S. B. Nos. 162, 163, 164, 165, 166, 169, 173, 174, 175, 176, 177, 178, 179, 180, 181, 184, 188, 189, 192, 193, 195 and 200—Ky. Statutes No. 2

S. B. No. 183 and No. 203—Motor Vehicles, Commerce and Common Carriers

H. B. No. 193, S. B. 187 and 196—Municipalities

H. B. No. 154—Public Utilities

S. B. No. 194 and No. 199—Regulation of Intoxicating Liquors

H. B. No. 204 and No. 205—Revenue and Taxation

S. B. No. 197—Veterans

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills which originated in that body of the following titles, viz:

H. B. No. 6. AN ACT to repeal, amend and re-enact section 95.768 Kentucky Revised Statutes, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 95.768, Kentucky Revised Statutes, 1946 Edition be, and the same is now repealed, amended and re-enacted.

2. The Police and Firemen's Pension Fund in cities of the fourth class shall consist of (a) the proceeds of an annual tax, which may be levied by the City Legislative Body, of not more than three cents on each hundred dollars in value of taxable property, (b) all rewards, fees, gifts or emoluments paid or given on account of extraordinary service of any member of the police or fire department; (c) assessments, which the

Board of Trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than three and one-half percent of his salary, to be held from the monthly salary and paid by the City Treasurer into the Pension Fund.

3. Said fund shall be for the pensioning of any policeman or fireman who has served in the Police or Fire Departments for at least a period of twenty years or more, providing that applicant has reached his fifty-first birthday, and all members of the police and fire departments shall be entitled to be credited with the services rendered continuously prior to the adoption ordinance under the provisions of section 95.761, Kentucky Revised Statutes, by said City, to the eligibility of the twenty year or more, period for pension, not less than three, nor to exceed fifteen years of previous service, and for the further purpose of pensioning any member of the Police or Fire Department who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under fourteen (14) years of age, or either of them, of any member of said departments who may lose his life while in the service and on active duty. The payments made under the provisions of this section shall constitute and be kept as a fund to be called the "Policemen's and Firemen's Pension Fund," and the Board of Trustees of the Policemen's Pension Fund, are declared to be the trustees of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

All laws, or parts of laws, in conflict herewith are repealed.

H. B. No. 41. AN ACT concerning zoning and planning in cities of the first class and in counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 100.077 of the Kentucky Revised Statutes is amended to read as follows:

(1) It shall be unlawful to construct in any street or highway any building, structure, improvement, sewer or utility, publicly or privately owned, until and after such street or highway has been made a part of the master plan and until a permit therefor has been duly issued by the proper authority. But the granting or issuing of such permit shall not affect the power of any governmental agency, whose duty it is to make, repair or maintain an existing street, road or highway, or whose duty it may be or will be to construct, repair or maintain the proposed street, road or highway, if and when constructed, subject to the provisions of subsection (2) hereof, (a) to require reimbursement from such permittee for any expenditures made by such agency due to the exercise of such permit, or (b) to determine where and how such sewers, pipes, lines, poles, conduits or other type or character of construction are to be placed in said existing, projected or proposed street, road or highway, or (c) to require that all work and installations shall be done under the supervision of such governmental agency, or any one designated by such governmental agency. The granting or issuing of any such permit shall not in any way affect the right, if any, of any owner of private property to demand and receive compensation from the permittee for damage to such property caused by such use, whether the right to such use, as distinguished from such permit, be acquired by purchase, lease, condemnation, or otherwise.

(2) A governmental agency whose duty it may or will be to construct, repair or maintain a proposed street, road or highway may, for ninety days after the effective date of this Act, refuse to issue a permit for the construction, in any proposed street, road or highway which is a part of the master plan, of any building, structure, improvement, sewer or utility, without paying to the owner or lessee the compensation hereinafter provided. Further, such governmental agency may, for a period of ninety days after the addition of a proposed street, road or highway to the master plan, refuse such a permit without paying the compensation hereinafter provided. After the expiration of the ninety day period hereinabove provided, no permit to construct a building, structure, improvement, sewer or utility in any pro-

posed street, road or highway shall be refused unless the governmental agency pays to the owner of such property an annual payment equal to ten percent of the assessed value of such property so situated as determined from the records of the county tax commissioner. Payments shall be made in semi-annual installments.

H. B. No. 65. AN ACT concerning clerks and treasurers of cities of the fourth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 86.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mayor, or in his absence the mayor pro tem, shall be chairman of the city council. The council may, by ordinance, confer the function of clerk of the council upon the treasurer to be performed in addition to the duties prescribed by KRS 92.060. If said function is not conferred upon the treasurer, a clerk of the council shall be elected by the council or by the voters if so prescribed by an ordinance enacted not less than sixty days before any general election.

H. B. No. 122. AN ACT relating to time of payment of Teachers' Retirement annuities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 161.640 of the Kentucky Revised Statutes is amended to read as follows

Retirement annuities shall be payable monthly. The first payment to annuitant shall be made at the payment date at the end of one full payment period after his retirement and shall consist of one regular monthly payment.

Section 2. This Act shall become effective July 1, 1952.

H. B. No. 177. AN ACT relating to members of police and fire departments in fourth class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 95.710 of the Kentucky Revised Statutes is amended to read as follows:

(1) To be eligible for appointment as a member of the police force or fire department of a city of the fourth class a person must be a citizen of the state, a resident of the county for at least six months, at least twenty-one years of age, able to road and write the English language intelligibly, and sober, moral and sagacious. No person who has been convicted of a felony shall be eligible for appointment. After appointment no member shall interfere in any election. If it is possible to secure such a person, the appointee shall have been a resident of the city for at least six months in addition to the other required qualifications; but should the city legislative body determine a person meeting this added qualification cannot be secured, a residence of six months in the county shall be sufficient.

H. B. No. 189. AN ACT authorizing cities of the second class to provide sewer services to common schools located outside of its boundaries.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any city of the second class is authorized to extend its sewer facilities beyond its boundaries for the purposes of furnishing sewer services, under such agreement as may be concluded, to any common school.

H. B. No. 203. AN ACT relating to elections, with particular relation to elections, both regular and primary, in cities under the city manager form of government.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 89.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall be elected to the office of mayor, police judge or commissioner, in cities of the third or fourth class, without first having been nominated in the manner prescribed by this section. On the seventh Saturday before the day for the regular election there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least forty-five days before the day of the primary election, file with the county clerk a petition signed by at least fifty voters, in the following form:

"We the undersigned, qualified voters of the city of____ _____ and residing each at the place indicated opposite his name, do hereby request that the name of_____ be placed on the ballot as that of an applicant for nomination for the office of _____, at the primary election to be held in our city on the seventh Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character, and he is, in our judgment, qualified for the duties of said office.

NAME	NUMBER	STREET
_____	_____	_____
_____	_____	_____
_____	_____	_____

The petition shall be verified by the affidavit of some person as to the genuineness of the signatures and addresses of the signers. No voter shall sign more than one petition with reference to each office that is to be filled. If any voter signs more than one petition of applicants for nomination for mayor or police judge, or signs the petitions of more applicants for nomination for commissioners than the number of commissioners

to be elected, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing petitions the county clerk shall have published for three consecutive days in the official newspaper of the city, and in such other papers as he may designate, the names of the persons as they will appear upon the primary ballots, and shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature.

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are not more than two applicants for nomination as mayor or police judge, or not more applicants for nomination for commissioner than twice the number of commissioners to be elected. In that case the applicants for mayor or police judge and the applicants for commissioner shall thereby be nominated and their names shall not be placed upon the primary ballots, and no primary election shall be held for nomination for those offices.

(5) The names of the applicants for each nomination shall be printed on the ballots as provided in KRS 89.460, with a square at the right of each name. Above the names of the applicants for nomination for mayor or police judge shall be printed the words, "Vote for one," and above the names of the applicants for nominations for commissioners shall be printed the words, "Vote for four," in a city of the fourth class, or "Vote for two" in a city of the third class. The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation.

(6) After the ballots are printed, the county clerk shall cause to be delivered at each polling place a number of ballots equal to twice the number of votes cast in the polling precinct at the last preceding regular election for mayor. The persons who are qualified to vote the regular municipal election shall be qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election shall be applicable to challenges made at the primary election.

(7) The ballots shall be counted as provided in the gen-

eral election laws, and after being so counted the result shall be published at least once in the official newspaper of the city.

(8) The two applicants receiving the highest number of votes for nomination for mayor and the two applicants receiving the highest number of votes for nomination for police judge, shall be thereby nominated. The eight applicants, in a city of the fourth class, or the four applicants, in a city of the third class, receiving the highest number of votes for nomination for commissioners shall be thereby nominated.

(9) The expense of the primary elections shall be paid by the city.

Section 2. Section 89.450 of the Kentucky Revised Statutes is amended to read as follows:

At the regular election following the primary election, in cities of the third or fourth class, the names of the nominees shall be placed upon ballots like those at the primary election, except that the regular election ballots shall contain only the names of the successful nominees. The nominee receiving the greater number of votes cast for mayor, the nominee receiving the greater number of votes cast for police judge, and the four nominees, in a city of the fourth class, or the two nominees, in a city of the third class, receiving the greater number of votes for commissioners shall be elected, respectively, mayor, police judge and commissioners.

Section 3. Subsection (1) of Section 89.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) At all elections held under the city manager form of government, in cities of the third or fourth class, the ballots shall be on a different sheet from all other ballots to be used in the election and shall be in the form therein prescribed, except the words "City Ballot" shall be at the head thereof and the names of all candidates for each office shall be printed on the ballot in a single column. The names of the candidates for each office shall be printed on the first fifty ballots in alphabetical order, and on each of the succeeding fifty ballots the names shall be printed in the same order except that the first name on the preceding fifty ballots shall be shifted to the last place on the next suc-

ceeding fifty ballots, and the last name so shifted from the first place on the preceding fifty ballots shall be succeeded by the second name. A like change or rotation shall be made throughout in the printed order of names for every fifty ballots.

Section 4. A new section of the statutes is created, to be numbered KRS 89.465 and to read as follows:

In cities of the second and third class, the mayor, commissioners and police judge shall be nominated and elected in the manner provided by the general election laws and general primary laws for the nomination and election of state and county officers.

Section 5. Subsection (4) of Section 119.020 of the Kentucky Revised Statutes is amended to read as follows:

(4) This chapter does not apply to candidates for subdistrict school trustees, members of boards of education, members of the legislative bodies of cities of the fifth or sixth class, or presidential electors, nor to candidates for mayor, police judge or commissioner in cities of the second or fourth class operating under the commission form of government and in cities of the third or fourth class operating under the city manager form of government.

Section 6. This Act shall become effective on January 1, 1953.

H. B. No. 216. AN ACT relating to alleged mental incompetents.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 202.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) All persons named in the petition, including the defendant, if of legal age, shall be notified of the proceeding by a summons issued requiring the person having custody or residing with the defendant, to appear with the defendant at a time and place stated in the summons, not less than three days

after service. The parents of the defendant, if living, if their residence be known to the petitioner, or the legal guardian, if one there be, and his residence is known to the petitioner, or if there be neither parent nor guardian whose residence is known to the petitioner, then some near relative, if his residence is known to the petitioner, shall also be notified of the proceedings. If a person summoned as provided in this section fails without reasonable cause to appear and abide by the order of the court, he may be proceeded against for contempt of court.

(2) If the petition alleges that the defendant is of violent character and is dangerous, a warrant may be issued for his arrest. If any such person is arrested on such warrant, he shall be taken immediately to any municipal, county or state hospital or mental institution and shall be examined by one or more staff physicians or psychiatrists attached to such institution. If the person is deemed of violent character and confinement is recommended by the examining psychiatrist, such person shall be confined in an appropriate state, municipal or state hospital or mental institution rather than in the county jail, to await further legal action as further prescribed in this chapter. In counties where hospital facilities are not available, said person may be confined in the county jails for a period not to exceed forty-eight hours.

H. B. No. 223. AN ACT to further regulate motor trucks, semi-trailer trucks, and trailers, clarifying and enlarging the powers of the commissioner of Highways and the County Judges relating thereto, and amending KRS 189.280.

Said bill is as follows, viz:

WHEREAS, it is desirable to clarify the provisions of the statute relating to the operation of certain vehicles within cities and areas immediately adjacent thereto, and to empower the Commissioner of Highways and the County Judges, in appropriate cases, to further restrict or regulate such operations, now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 189.280 is hereby amended to read as follows:

(1) KRS 189.221 to 189.230, 189.280 and 189.490 shall not apply to motor trucks, semi-trailer trucks or trailers owned by the United States, the Commonwealth of Kentucky, or any agency of them, any county or city.

(2) If any motor truck, semi-trailer truck or trailer is lawfully licensed by a city pursuant to KRS 186.270, then KRS 189.221, 189.222, and 189.490 shall not apply thereto, within the limits of the city issuing the license, or within fifteen miles of the limits of the city, if it is a city of the first, second, third, or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, except on such State-maintained highways or portions thereof, including connecting-link streets, as may be designated by the Commissioner of Highways, and on such county highways as may be designated by the County Judge; provided, however, that in no case shall any vehicle exceed the weight and size limitations established by the city ordinance when those limitations are less stringent than those provided in the aforementioned sections of the Statutes. For the purposes of this Sub-section vehicles exempt from the imposition of the city license tax by reason of KRS 281.830 (2) shall be entitled to the same exemptions as those so licensed.

(3) Except as provided in KRS 176.046, cities may, by ordinance, provide maximum limits with respect to the weight, height, width, and length of motor trucks, semi-trailer trucks and trailers, within their respective boundaries, not less, however, than the maximum limits prescribed in KRS 189.221 and 189.222, and may authorize the operation of trailers.

H. B. No. 226. AN ACT further empowering the commissioner of Highways to establish certain highways through fourth, fifth, and sixth class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Commissioner of Highways, in his discretion, may route, construct, and maintain highways through any fourth, fifth, or sixth class city, without the agreement of said city, to reach a city of the first or second class within the same

county. In such case, the provisions of KRS 177.044 and 177.045 shall not apply, and all streets and parts thereof included in such highways shall become a part of the State maintained road system, and other necessary rights-of-way may be purchased or condemned by the Department of Highways.

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 439.100 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Subject to the provisions of this chapter, the department may, with the approval of the Governor, parole any person confined in the penitentiary and permit him to go and remain at large, outside the buildings and enclosures of the penitentiary.

(2) The Commissioner of Welfare shall with the approval of the Governor appoint a Parole Board consisting of seven members. One member shall be appointed as chairman of the Board and serve full time at a salary set by the Commissioner, subject to the provisions of KRS 64.650. Excepting the chairman, each member shall receive compensation at the rate of fifteen dollars for each day that member serves at a meeting of the Board. All members shall receive necessary travel and other expenses in going to, attending and returning from the meeting of the Board. The appointment of members of the Board shall be made without regard to political affiliation.

(3) No meeting of the Board shall be held with less or more than three members attending. The duties and powers of the Board are confined to a review, investigation and examination as necessary to recommending the parole of inmates in the various penitentiaries, and the Board shall recommend in writing directly to the Governor through the Commissioner of Welfare the parole of those inmates in the various penitentiaries

whom they deem worthy of parole. The Board shall be attached to the Department of Welfare.

(4) The Director of the Division of Probation and Parole shall be responsible for furnishing information and reports which the Board might require in the performance of its duties.

H. B. No. 230. AN ACT relating to the use of certain funds for the acquisition of space for the division of unemployment insurance and the Department of Economic Security; amending KRS 341.245.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That KRS 341.245 be and the same hereby is amended by repealing said section in its entirety and enacting in lieu thereof the following:

"341.245 AUTHORITY TO ACQUIRE OFFICE SPACE. Subject to the provisions of KRS 56.440-56.550, inclusive, the Commissioner is authorized and empowered to use all or any part of the funds accumulated under the provisions of KRS 341.290 and KRS 341.295 for the purpose of acquiring suitable space for either central or district offices of the division and the department by way of purchase, lease, contract, or in any other manner including the right to use said funds or any part thereof to assist in financing the construction of any building erected by the Commonwealth or any of its agencies wherein available space will be provided for the division and the department under lease or contract between the department and the Commonwealth or such other agency whereby said department and division will continue to occupy such space, rent free, after the cost of financing such buildings has been liquidated.

H. B. No. 271. AN ACT relating to the taxation of special fuels.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in sections 1 to 19 inclusive, unless the context requires otherwise.

(1) "Department" means the Department of Revenue.

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause prescribing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(3) "Special fuel" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210.

(4) "Motor vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways.

(5) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

(6) "Use" means the delivery or placing of special fuel into the fuel supply tank or tanks of a motor vehicle within this state. With respect to an interstate user as hereinafter defined the term "use" means the consumption of special fuel in propelling motor vehicles on the public highways of this state as computed under section 8 of this Act.

(7) "Special fuel dealer" means any person who receives special fuel as defined in this section into storage tanks from which withdrawals are made and placed into fuel supply tanks of a motor vehicle for use on the public highways of this state.

(8) "Dealer" means special fuel dealer as defined above.

(9) "Special fuel user" means any person, other than a special fuel dealer or interstate special fuel user who uses special

fuels within the meaning of the word "use" as defined in this section.

(10) "User" means special fuel use as defined above.

(11) "Interstate special fuel user" means common and contract carriers of persons or property by motor vehicles operated upon the public highways of both this state and other states and any other motor vehicular carriers of property operated upon the public highways of other states and upon the highways of this state more frequent than five days out of any month during the calendar year or more frequent than fifteen days during any six month interval during the calendar year.

(12) "Interstate user" means interstate special fuel user as defined above.

Section 2. (1) An excise tax of seven cents per gallon shall be paid on the use (as defined in section 1) of special fuel, except that no tax shall apply to special fuel delivered into the fuel tank of a vehicle operated by the government of the United States.

(2) The tax shall be computed and paid as provided by sections 7 and 8.

(3) Two-sevenths of all amounts received by reason of said tax shall be set aside by the Department of Highways for the construction, reconstruction and maintenance of rural and secondary roads and for no other purpose.

Section 3. (1) A license shall be required of each special fuel dealer, interstate special fuel user, and special fuel user.

(2) Application for a license shall be made to the Department of Revenue upon forms prepared and furnished by the department. The application shall contain such information as the department deems necessary.

(3) Concurrently with the filing of an application for a license, the special fuel dealer, special fuel user, or interstate special fuel user shall file with the department a bond as required under section 4. No license to act as a special fuel dealer, interstate special fuel user or a special fuel user shall be issued to any person or continued in force unless such person

has furnished a bond as provided in section 4 to secure payment of any and all special fuel taxes, penalties, and interest due.

(4) The application in proper form having been accepted for filing, the bond having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue to the special fuel dealer, interstate special fuel user, or special fuel user a license. However, if an application for a license as a special fuel dealer, interstate special fuel user, or a special fuel user is filed by any person whose license has at any time previously been revoked for cause by the department, or if the department is of the opinion that the person who makes the application is a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause, or that the application is not for any other reason filed in good faith or is not for sufficient cause, the department may, after a hearing of which the applicant shall be given ten days notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) All licenses to act as a special fuel dealer, interstate special fuel user, or a special fuel user shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise cancelled.

(6) A license to act as a special fuel dealer, interstate special fuel user, or a special fuel user shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

(7) The department shall keep and file all applications and bonds, with an alphabetical index thereof, together with a record of all licensed dealers, users, and interstate special fuel users.

Section 4. (1) Every special fuel dealer, interstate special fuel user, and every special fuel user shall file with the Department of Revenue a bond in a minimum amount of five hundred dollars and in a maximum amount of not more than ten thousand dollars, on a form, and in such an amount and with

surety approved by the department. The dealer or user shall be the principal obligor and this state shall be the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the dealer or user to the department of all special fuel excise taxes now or hereafter levied by this state, together with all penalties and interest thereon, and generally upon faithful compliance with the provisions of sections 1 to 19.

(2) If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the department any surety on the bond has become unsatisfactory or unacceptable, the department may require the dealer or the user to file a new bond with satisfactory sureties in the same form and amount, failing which the department shall forthwith cancel the license of the dealer or user. If a new bond is furnished by the dealer or user as above provided, the department shall cancel the bond for which the new bond is substituted.

(3) If upon hearing, of which the dealer or user shall be given ten days notice in writing, the department decides that the amount of the existing bond is insufficient to insure payment to this state of the amount of the tax, penalties and interest for which the dealer or user is or may become liable, the dealer or user shall forthwith, upon the written demand of the department, file an additional bond in the same manner and form with surety thereon approved by the department, in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license of the dealer or user.

(4) Any surety on a bond furnished by a dealer or user shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the date upon which the surety has lodged with the department a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty day period. The department shall promptly, on receipt of the request, notify the dealer or user who furnished the bond, and unless the dealer or user shall, before the expiration of the sixty-day period, file with the department a new bond with surety satisfactory to the department

in the amount and form herein before provided, the department shall forthwith cancel the license of the dealer or user. If the new bond is furnished by the dealer or user as above provided, the department shall cancel the bond for which the new bond is substituted.

Section 5. (1) If a special fuel dealer, interstate special fuel user or special fuel user at any time files a false monthly report of the information required, or fails or refuses to file the monthly report or to pay the full amount of the tax or violates any other provision of sections 1 to 19 inclusive, or otherwise gives reasonable grounds, the Department of Revenue may cancel the license of the dealer, interstate special fuel user, or user, and suspend his privilege of acting as a special fuel dealer or a special fuel user.

(2) Upon voluntary surrender of the license certificate or upon receipt of a written request by a special fuel dealer, interstate special fuel user, or special fuel user, the department may cancel his license, effective sixty days from the date of request, but no such license shall be cancelled upon surrender or request unless the dealer or user has, prior to the date of cancellation, paid to this state all special fuel taxes, penalties, interest and fines that are due or have accrued, and unless the dealer or user has surrendered to the department his license certificate.

(3) If upon investigation the department ascertains that any person to whom a license has been issued is no longer engaged as a special fuel dealer or special fuel user and has not been so engaged for a period of six months, the department may cancel such license by giving the person sixty days notice of cancellation, mailed to his last known address, in which event the license certificate shall be surrendered to the department.

(4) Whenever a special fuel dealer, interstate special fuel user, or special fuel user ceases to engage in business as a dealer or user of special fuel within this state he shall notify the department in writing within fifteen days after discontinuance. All taxes that have accrued under sections 1 to 19 inclusive, whether or not then due, shall become due and payable concurrently with such discontinuance. The dealer or user shall make a report and pay all such taxes and any interest and

penalties thereon, and shall surrender to the department his license certificate.

(5) If the license of a special fuel dealer, interstate special fuel user, or special fuel user is cancelled by the department as provided in this section, and if the dealer or user has paid to this state all taxes, interest and penalties due under sections 1 to 19 inclusive, the department shall cancel the bond filed by the dealer or user.

Section 6. Every special fuel dealer, interstate special fuel user and every licensed special fuel user shall maintain complete records of all inventories, purchases, sales, uses and other dispositions of special fuel. Such records, together with manifests of lading, invoices, correspondence and other papers pertaining to special fuel shall be retained for a minimum period of two years and, if requested by the department, shall be made available for examination by the Department of Revenue.

Section 7. (1) Every special fuel dealer or special fuel user shall file with the Department of Revenue, on forms prescribed by the department, a monthly tax return. The return shall be made under penalty of perjury and shall show, with reference to all locations at which special fuel is used, the following information on special fuel: (1) opening inventory; (2) itemized statement of all receipts; (3) number of gallons delivered into the supply tank or tanks of a motor vehicle; (4) number of gallons disposed of otherwise; (5) closing book inventory; (6) actual measured inventory; and (7) such other information as the Department of Revenue may require. The special fuel dealer or special fuel user shall file the return on or before the last day of the next succeeding calendar month following the monthly period to which it relates.

(2) It shall be prima facie proof that all fuel received by a special fuel dealer or a special fuel user into storage tanks and dispensing equipment from which motor fuel is to be delivered to the fuel supply tank of a motor vehicle operated on the public highways of this state is taxable as set out in this Act.

(3) The monthly tax return shall be accompanied by remittance covering the tax due.

(4) Interstate special fuel users shall, on or before the last day of each month, report under penalty of perjury and pay the special fuel tax for the next preceding calendar month. The return shall be made on forms prescribed by the Department of Revenue and shall show the information entering into the computation of the tax, including the number of miles motor vehicles were operated in this state and the total number of miles these vehicles were operated, the number of gallons of special fuel used in these vehicles and the number of gallons used in this state, the number of gallons of special fuel purchased in this state and the total number of gallons of special fuel purchased and used in these vehicles, the vendor from whom purchased, the number of gallons on which a credit or refund is claimed and such other information as the department may require.

Section 8. (1) The special fuel excise tax imposed by section 2 of this Act, except as otherwise provided under subsection 2 of this section, shall be computed by multiplying the number of gallons of special fuel used by the tax rate.

(2) Interstate special fuel users shall pay the special fuel excise tax on that proportion of total special fuel used in motor vehicles operated on the public highways of this state as the number of miles operated by these vehicles in this state bears to the total number of miles operated.

Section 9. (1) If special fuel on which the tax has been paid, pursuant to the provisions of subsection (1) of section 8 has been used by interstate users in motor vehicles operated on the public highways of both this state and other states, the interstate user of such special fuel shall be credited to the extent of the tax due under this section for the full amount of taxes paid on special fuel purchased during the preceding month. The department may defer any credits in excess of taxes paid or due for a period not to exceed three months.

(2) The Department of Revenue shall, at the close of each quarterly period ending September 30, December 31, March 31 and June 30, refund all deferred credits granted by the department during the quarter which have not been credited against tax paid purchases of fuel in this state.

(3) No tax shall be credited or refunded except that paid upon special fuel used exclusively in motor vehicles operated on the public highways of both this state and other states and unless the applicant holds a currently valid credit and refund permit and makes application as provided under section 11.

(4) The right to receive any credit or refund under this section shall not be assignable, except to the executor or administrator, or to the receiver, trustee in bankruptcy, or assignee in insolvency proceedings of such person entitled thereto.

Section 10. (1) Interstate special fuel users who purchase special fuel in this state shall secure from the Department of Revenue a credit and refund permit, which permit shall entitle such person to apply for a credit or refund under the provisions of this Act.

(2) Each interstate special fuel user credit and refund permit shall be valid until surrendered or cancelled. The department may cancel, by giving thirty days notice any credit and refund permit, when the holder thereof does not apply for a credit or refund during any six months interval, unless the permit holder can show cause satisfactory to the department why the permit should not be cancelled and after notice of 10 days may cancel for any sufficient cause within the opinion of the department.

(3) To secure a credit and refund permit the applicant shall file with the department an application under oath on forms furnished by the department, setting forth such information incident to crediting and refunding the tax on special fuel as the department may require.

Section 11. (1) In order for a holder of a special fuel credit and refund permit to be entitled to a credit or refund of the special fuel tax as provided under this Act, he shall on or before the last day of each month make application to the Department of Revenue on forms and in the manner prescribed by the department for a credit or refund of the tax paid, pursuant to subsection (1) of section 8 on special fuel purchased in this state and used during the next preceding month. The Department of Revenue may require an applicant for a credit or refund to

supply with each application copies of special fuel dealer receipts of all tax-paid purchases of special fuel for which credit or a refund is claimed. Each application shall also show the total number of miles the motor vehicles in which the special fuel was used were operated and the number of miles these vehicles were operated in this state; the number of gallons of special fuel purchased in this state and in other states for use in such vehicles during the preceding month; the date and quantity of each purchase; the vendor from whom purchased; the number of gallons on which a credit or refund is claimed; and such other information as the department may require. The application shall be made under oath.

(2) Upon the refusal of the department to authorize a special fuel tax credit or refund, the applicant may in the manner and subject to the conditions provided in subsection (1) of KRS 131.110 petition for a review thereof by the Kentucky Tax Commission; and if the applicant is not satisfied with the decision of the Commission, he may appeal to the Franklin Circuit Court in the manner and subject to the conditions provided in KRS 131.120.

Section 12. (1) The Department of Revenue may, at any time, audit the books and records of each holder of a special fuel tax credit and refund permit who has at any time since the last audit was made applied for a credit or refund thereunder and make such other investigations as it deems necessary to determine whether the credits or refunds applied for constitute proper claims. When the department is satisfied that a credit or refund is proper it shall credit the applicant for an amount corresponding to the taxes paid pursuant to subsection (1) of section 8 or make the refund.

However, the department shall not be required to audit the books and records of a nonresident credit and refund permit holder if the amount of credits or refunds for which application has been made are not sufficient in amount reasonably to justify probable expenses of making the audit.

(2) If special fuel taxes are erroneously credited or refunded, the department shall advise the payee by registered mail of the erroneous credit or refund. If the payee fails to reimburse

the Commonwealth within fifteen days after the receipt of the letter, an action may be instituted by the department in the Franklin Circuit Court and the department shall recover from the payee the amount of the erroneous credit or refund plus a penalty of twenty per cent.

Section 13. (1) The reports required by section 7 shall be accompanied by a certified or cashier's check, payable to the State Treasurer, for the amount of tax due for the preceding calendar month, computed as provided in section 8; except that the department may waive this requirement and accept the check of the special fuel dealer, special fuel user or interstate special fuel user if the dealer, user or interstate user is of sound financial condition and has established a good record of compliance with the requirements of sections 1 to 19 inclusive.

Section 14. (1) If any special fuel dealer, special fuel user or interstate special fuel user neglects or refuses to make the return or pay the tax at the time provided in section 9, a penalty of twenty per cent of the tax and interest at six per cent per annum from the date when due shall be paid on both the tax and the penalty.

(2) If any dealer, user or interstate user subject to the penalty provided in subsection (1) of this section submits in writing to the department his reasons for failure to comply with this Act, and if the department finds the reasons sufficient evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section, it may modify the penalty exacted therein to five per cent of the amount of the tax due and delinquent provided the five per cent penalty may be reduced to a one per cent penalty if the violation is the first violation by the taxpayer within the twelve months.

(3) If the penalties provided by this section are collected by proceedings in court an additional penalty of twenty per cent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

(4) Whenever any dealer, user or interstate user neglects or refuses to make and file any report for any calendar month as required by section 7, or files an incorrect or fraudulent report, the Department of Revenue shall determine, after an investiga-

tion, the number of gallons of fuel with respect to which the dealer, user or interstate user has incurred liability under sections 2 and 8 for any particular month, and assess and collect the amount of tax and penalties due.

(5) Any person who fails to make any report or return required under sections 1 to 19 inclusive within the time required may be required to pay a penalty of ten dollars to be assessed and collected in the manner provided for the assessment and collection of taxes, or in a civil action, at the instance of the department. In addition such delinquent may be compelled to make the required report or return.

(6) In any action for the collection of the special fuel tax and any penalties or interest imposed in connection therewith, an assessment by the department of the amount of the tax due and the interest or penalties due to the state shall constitute prima facie evidence of the claim of the state, and the burden of proof shall be on the dealer, user or interstate user to show the assessment was incorrect and contrary to law.

Section 15. (1) It is unlawful for any person to:

(a) Fail to pay the excise on special fuel;

(b) Fail, neglect, or refuse to make and file any statement required under sections 1 to 19 inclusive in the manner or within the time required;

(c) Make any false statement or conceal any material fact in any record, report, or affidavit provided for under sections 1 to 19 inclusive;

(d) Conduct any activities requiring a license or permit under sections 1 to 19 inclusive without a license or permit or after a license or permit has been surrendered, cancelled or revoked;

(e) Assign or attempt to assign a license or permit to act as a special fuel dealer, a special fuel user or an interstate fuel user;

(f) Violate any other provision of sections 1 to 19 inclusive,

(2) Any person violating any provision of this section is guilty of a misdemeanor, unless the act is by any other law of this state declared to be a felony, and upon conviction is punishable by a fine of not less than $100 nor more than $5,000, or by imprisonment in the county jail for not less than 30 days nor more than six months, or by both such fine and imprisonment.

(3) The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of sections 1 to 19 inclusive.

Section 16. (1) The Department of Revenue shall administer the special fuel tax provided under sections 1 to 19 inclusive, and may prescribe, adopt, and enforce regulations relating to the administration and enforcement thereof.

(2) The Department of Revenue shall, upon the request from the officials to whom are entrusted the enforcement of the special fuel tax law of any other state, the United States, the provinces or the Dominion of Canada, forward to such officials any information which it may have relative to the manufacture, receipt, sale, use, transportation, shipment or delivery by any person of special fuel, provided such other state or states provides for the furnishing of like information to this state.

Section 17. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section18. This act shall be fully operative and shall apply to fuel used on and after July 1, 1952.

Section 19. Sections 138.359 to 138.440 inclusive of the Kentucky Revised Statutes are repealed.

Ordered that said bills be printed and referred.

The message which was received from the House of Representatives further announced that they had passed a bill which originated in the Senate of the following title, viz:

S. B. No. 40. AN ACT changing the classification of the City of Jeffersontown, in Jefferson County.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

ORDERS OF THE DAY

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 155. AN ACT to amend and re-enact section 91.140 Kentucky Revised Statutes relating to election of officers and the appointment of employees of Sinking Funds of Cities of the first class and prescribing the powers and duties of such officers and employes.

Senator Duffy moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Ernest M. Ford	Alvin Kidwell
Bernard J. Bonn	Wayne Freeman	James Lassiter
Eugene H. Clark	Julian Golden	Homer E. Losey
Augustus Cornett	Doug Hays	C. W. A. McCann
Louis Cox	Thomas Hines	James R. Mansfield
Archie Craft	Stanley Hoffman	Earl F. Martin
Martin J. Duffy	Dr. J. E. Johnson	Strother Melton

Richard P. Moloney	Leon Shaikun	Sylvester Wagner
Jack R. Reynolds	Cortis K. Stacy	Ed P. Warinner
Freeman Robinson	Paul Stapleton	John M. Williams
William J. Sample	Otis C. Thomas	E. V. Withers
Clay Shackleford	Wendell Van Hoose	—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day bills entitled, viz:

S. B. No. 66. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

S. B. No. 145. AN ACT relating to crimes and punishments.

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

S. B. No. 20. AN ACT relating to chattel mortgages, amending Section 382.720 of the Kentucky Revised Statutes. (With amendment by way of Committee substitute)

H. B. No. 127. AN ACT concerning waterworks in cities other than first class.

S. B. No. 159. AN ACT relating to utilities owned by cities of the second to sixth classes. (With Committee Amendments)

S. B. No. 71. AN ACT relating to game and fish.

S. B. No. 102. AN ACT establishing County Social Service Advisory Committees for public assistance and child welfare.

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, needy blind and needy children, and amending sections 205.010, 205.200, 205.210, 205.240 and 205.990 of the Kentucky Revised Statutes and repealing subsection (3) of section 205.170 of the Kentucky Revised Statutes.

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

S. B. No. 119. AN ACT amending Section 423.010, Kentucky Revised Statutes.

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the Kentucky Revised Statutes.

H. B. No. 98. AN ACT relating to absent voting, amending sections 126.160, 126.170 and subsection (3) of section 126.270 of the Kentucky Revised Statutes.

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the Kentucky Revised Statutes.

H. B. No. 95. AN ACT relating to qualification, registration and purgation of voters. (With Committee Amendment)

S. B. No. 152. AN ACT relating to the Department of State Police. (With Committee Amendments)

S. B. No. 131. AN ACT to repeal, amend and reenact Sections 278.130, 278.190, 278.290, 278.410 and 278.450 Kentucky Revised Statutes, which sections relate to the regulation of utilities, and declaring an emergency to exist. (With Committee Amendments)

S. B. No. 147. AN ACT relating to the control and suppression of air pollution; creating an air pollution control district in each county of the Commonwealth; providing procedure by which, and conditions under which, a district may be activated and organized; providing for the names and general and specific powers of the districts; providing for an air pollution control board and a hearing board for each district; providing for the powers and duties of such boards, and for the appointment, powers and duties of officers and employees of the districts; providing generally ways and means to effect the purposes of this Act; authorizing appropriations to the districts by counties and cities of the first and second classes; prohibiting the emission of smoke and other air contaminants of a greater density or opacity than those standards established herein; prohibiting the emission of other air contaminants under conditions described herein; declaring that the general assembly does not intend to occupy the field; specifying what are violations of this Act; affording injunctive relief against certain violations; providing for

the penalties to be imposed upon violators of this Act; providing for appeals to the courts of the Commonwealth; and declaring an emergency to exist.

S. B. No. 149. AN ACT relating to the establishment, operation and maintenance of public parks in and by any county in the Commonwealth of Kentucky.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that S. B. No. 116 be taken from its place in the Orders of the Day and put upon its passage.

Said motion was agreed to.

Said bill is entitled as follows, viz:

S. B. No. 116. AN ACT relating to crimes and punishment.

Senator Golden offered the following amendment, viz:

Amendment No. 1

Amend printed copy of S. B. No. 116 on page 2, section 2, line 9

By inserting after the word "defendant" and before the words "the court," the words "with advice of an attorney."

Amendment No. 2

Amend printed copy of S. B. No. 116 on page 1, section 1, line 5

By inserting after the word "defendant," the words "with advice of an attorney."

Senator Golden moved that the Senate do adopt Amendment No. 1.

Said motion was agreed to.

And thereupon said amendment was adopted.

Senator Golden moved that the Senate do now adopt Amendment No. 2.

Said motion was agreed to.

And thereupon said amendment was adopted.

Senator Shaikun moved the previous question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were--

Bernard J. Bonn	Dr. J. E. Johnson	William J. Sample
Eugene H. Clark	Alvin Kidwell	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Cortis K. Stacy
Archie Craft	James R. Mansfield	Paul Stapleton
Martin J. Duffy	Earl F. Martin	Otis C. Thomas
Ernest M. Ford	C. W. A. McCann	Wendell Van Hoose
Wayne Freeman	Strother Melton	Sylvester Wagner
Julian Golden	Richard P. Moloney	Ed P. Warinner
Doug Hays	O. W. Montgomery	John M. Williams
W. Thomas Hines	Jack R. Reynolds	E. V. Withers
Stanley Hoffman	Freeman Robinson	--35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill,

with amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration from the Orders of the Day, bills of the following titles, viz:

S. B. No. 129. AN ACT relating to coroners, amending section 213.090 of the Kentucky Revised Statutes.

S. B. No. 47. AN ACT concerning compensation of county commissioners. (With amendment by way of Committee Substitute)

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that the Senate do now adjourn until 1 P.M., Tuesday, February 19, 1952.

Said motion was agreed to.

And then the Senate adjourned.

TUESDAY, FEBRUARY 19, 1952

The Senate convened and was called to order by the President Pro Tem of the Senate, Honorable Louis Cox, Senator.

The Senate was opened with prayer by Reverend Glenn H. Stephens, Pastor of the South Frankfort Presbyterian Church, Frankfort, Kentucky.

The roll of the Senate was called and the following Senators answered to their names, viz:

H. Stanley Blake	James P. Hanratty	Earl F. Martin
Bernard J. Bonn	Doug Hays	Strother Melton
Eugene H. Clark	Thomas Hines	Richard P. Moloney
Augustus Cornett	Stanley Hoffman	William J. Sample
Louis Cox	Dr. J. E. Johnson	Clay Shackleford
Archie Craft	Alvin Kidwell	Leon Shaikun
Martin J. Duffy	James Lassiter	Cortis K. Stacy
Ernest M. Ford	Homer E. Losey	Paul Stapleton
Wayne Freeman	C. W. A. McCann	Otis C. Thomas
Julian Golden	James R. Mansfield	Wendell Van Hoose

Sylvester Wagner John M. Williams E. V. Withers
Ed P. Warinner —34

The following Senators were absent—

Bert Kiser Jack R. Reynolds Freeman Robinson
O. W. Montgomery —4

Senator Stacy moved that the reading of the Journal of the Senate of the proceedings for Monday, February 18, 1952, be dispensed with and the same be approved.

Said motion was agreed to.

Senator Martin moved that all absent members be granted leaves of absence.

Said motion was agreed to.

INTRODUCTIONS OF BILLS AND A RESOLUTION

Bills and a resolution of the following titles were introduced, viz:

By Senator Moloney.

S. B. No. 209. AN ACT relating to and regulating advertising signs or devices on or adjacent to Public Highways, and providing penalties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The following words and phrases as used in this Act shall for the purpose of this Act have the meaning respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

(1) "Public highway." Every public road, highway or thoroughfare outside of incorporated cities.

(2) "State highway." Every public highway which has been accepted by the Department of Highways for State maintenance.

(3) "Person." Any person, firm or corporation whatsoever.

(4) "Commissioner." The Commissioner of Highways.

Section 2. No person shall place, erect or maintain any advertising sign, signboard or advertising device of any character

upon the right of way or right of way fences of any public highway.

Section 3. No person shall place, erect or maintain any advertising sign, signboard or other advertising device upon any land adjacent to a public highway which shall obstruct or impair the view of or by persons using such highway at corners, curves, angles or turns of such highway, or intersections of such highway with another highway or with a railroad; nor shall any person place, erect or maintain any such advertising sign, signboard or other advertising device upon any land adjacent to a public highway within three hundred feet of any corner or turn of such highway, or intersection of such highway with another highway or with a railroad; provided, however, that the Commissioner may authorize the erection of such sign or device upon application for a permit therefor, if he shall find, in his discretion, that its erection and maintenance will not be detrimental to the public peace, health or safety.

Section 4. No person shall place, erect or maintain any advertising sign, signboard or other advertising device, with the exceptions hereinafter listed, upon any lands adjacent to or within five hundred feet of any State highway outside of an incorporated city, without first obtaining a permit from the Commissioner so to do. Such permits shall issue only upon written application of the person desiring to place, erect or maintain such sign, signboard or device, and such application shall contain such information as may be required by the Commissioner, and shall be accompanied by the written consent of the owner or possessor of the land upon which the applicant desires to place, erect or maintain such advertising sign, signboard or other advertising device. No permit shall be issued for a period greater than one year and a fee of Six Dollars ($6.00), or a proportionate part thereof for a part of a year, shall be charged for each permit. No such permit shall be issued for any such sign, signboard or other device which is or is to be erected in such manner or in such location as to endanger the public peace, health or safety. The Commissioner may authorize any employe of the Department of Highways to investigate such applications and to issue such permits pursuant to rules and definitions to be adopted by Official Order. The following signs

and devices are excepted from the provisions of this Section:

(1) A reasonable number of signs erected or maintained, or caused to be erected or maintained, by the owner or lessee of a place of business or residence, within three hundred and fifty feet of such place of business or residence and relating solely to merchandise, services or entertainment sold, produced, manufactured or furnished at such place of business or residence;

(2) Signs erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee or such farm and relating solely to farm produce, merchandise, services or entertainment sold, produced, manufactured or furnished on such farm;

(3) Signs upon real property posted or displayed by the owner, or by the authority of the owner, stating that the property, upon which the sign is located, or a part of such property, is for sale or rent or stating any data pertaining to such property and its appurtenances, and the name and address of the owner and the agent of such owner;

(4) Official signs, notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments;

(5) Signs or notices containing two square feet or less, placed a junction of two or more roads in the State Highway System denoting only the distance or direction of a residence or place of business, provided such signs or notices do not exceed a reasonable number in the discretion of the Commissioner;

(6) Signs erected upon property warning the public against hunting, fishing or trespassing thereon;

(7) Signs erected by Red Cross authorities relating to Red Cross Emergency Stations. And authority is hereby expressly given for the erection and maintenance of such signs upon the right of way of all highways in this State at such locations as may be approved by the Commissioner;

(8) Signs advertising only the name, time and place of bona fide agricultural, county, district or State fairs, together with announcements of special events in connection therewith which do not consume more than fifty per centum of the display area of such signs, provided the persons who post the same or cause them to be posted will satisfy the Commissioner that such signs will be removed within thirty days after the last day of the fair so advertised.

Section 5. All such advertising signs, signboards and other advertising devices which are placed, erected or maintained in violation of the provisions of this Act at a time more than sixty days from and after the date this Act becomes effective shall be deemed and considered to be public nuisances and may be summarily removed by the Commissioner or by any employe of the Department of Highways acting under his general direction. The Commissioner and all employes under his direction may enter upon such lands as may be necessary in the performance of their functions and duties as prescribed by this Act. Any person who shall hinder or obstruct the Commissioner or any such employe in carrying out such functions and duties shall be guilty of a misdemeanor, and shall be punished as hereinafter provided.

Section 6. The Commissioner or his agent may, after thirty days' notice in writing to a permittee, revoke any permit issued by him under Sections 3 and 4 of this Act, upon repayment of a proportionate part of the fee, in any case in which it shall appear to the Commissioner that the application for the permit contained false and misleading information, or that the permittee has failed to keep in a good general condition and in a reasonable state of repair the advertising sign, signboard or other advertising device for which such permit was issued, or that the permittee has violated any of the provisions of this Act.

Section 7. All advertising signs, signboards or other advertising devices shall be removed by the permittee within sixty days from the date of the expiration or revocation of the permit for such sign, signboard or device. The Commissioner, in case of default of removal shall give such permittee at least thirty days'

notice of the date of expiration of such sixty day period. Any permittee failing to remove sign, signboard or other device within such sixty days shall be guilty of a misdemeanor, and shall be punished as hereinafter provided.

Section 8. Nothing herein shall be construed to authorize the erection of any advertising sign, signboard or other advertising device in any area in which it may otherwise be prohibited by zoning regulations.

Section 9. All monies received by the Commissioner under the provisions of this Act shall be paid into the State Treasury and allocated to the State Road Fund.

Section 10. Any person deemed guilty of a misdemeanor under the provisions of this Act shall be fined not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00). Each day during which such violation is continued after conviction may be treated for all purposes as a separate offense.

By Senator Moloney.

S. B. No. 210. AN ACT relating to the transfer of the Division of Child Welfare to the Kentucky Children's Bureau within the Department of Welfare, and services to needy children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Child Welfare Division of the Department of Economic Security, with its personnel, properties, facilities, funds and appropriations, hereby is transferred to and made a division of the Kentucky Children's Bureau created by H. B. 157 of the 1952 General Assembly. The Division of Child Welfare shall be headed by a director who is thoroughly trained and experienced in child welfare work, and who shall be appointed by the Commissioner of Welfare with the prior written approval of the Governor. The Division of Child Welfare shall continue to exercise all powers and duties now conferred or imposed upon it by law.

Sec. 2. Section 195.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department shall exercise all functions of the state in relation to:

(a) Administration and supervision of state unemployment insurance.

(b) Administration and supervision of state employment offices.

(c) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, and aid to the blind and otherwise handicapped.

(d) Administration and supervision of social services to children and families who are applicants or recipients of public assistance.

(2) The functions heretofore performed by the Department of Industrial Relations in respect of the functions above outlined are hereby transferred to and vested in the Department of Economic Security. All administrative functions of the nature outlined above, heretofore performed by other agencies of the state, are hereby abolished and shall hereafter be performed by the Department of Economic Security.

Sec. 3. Section 195.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall be divided into the following administrative bureaus and divisions:

(a) A Bureau of Employment Security which shall be divided into:

1. A Division of Unemployment Insurance; and

2. A Division of Employment Service.

(b) A Bureau of Social Services which shall be divided into:

1. A Division of Public Assistance; and

2. A Division of Service to Needy Children.

(c) Such other bureaus, divisions, or combinations of

existing bureaus, divisions, or agencies as the commissioner may from time to time prescribe in accordance with KRS 12.030, and to which he may assign duties, functions, and responsibilities.

(2) The Governor may, by executive order, transfer any bureau, division, or agency of the State Government to the Department of Economic Security for the purpose of economy, efficiency, and improved administration.

Sec. 4. Section 195.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Bureau of Social Services shall be headed by an executive director, and all the powers, functions, and duties heretofore performed by the Division of Public Assistance in the Department of Welfare are hereby transferred to and vested in the Bureau of Social Services. The executive director, with the prior approval of the commissioner, is authorized to integrate and combine the functions and duties of the divisions within such bureau insofar as he considers such integration and combination economical and practicable for the proper and efficient administration of the bureau.

(2) The existing Division of Public Assistance in the Department of Welfare is hereby transferred to and shall hereafter constitute a division of the Bureau of Social Services. All the powers, functions, and duties heretofore performed by the Division of Public Assistance in the Department of Welfare shall continue to be vested in the Division of Public Assistance in the Bureau of Social Services.

(3) There is hereby established a Division of Service to Needy Children which shall constitute a division in the Bureau of Social Services.

Sec. 5. Section 195.080 of the Kentucky Revised Statutes is amended to read as follows:

It is the purpose of KRS 195.010 to 195.090 to provide a unified, integrated, and comprehensive plan or organization of those services, functions, and duties heretofore performed by the Unemployment Compensation Commission, the Employment Service Commission, and the Division of

Public Assistance, under the direction, supervision, and control of the Commissioner of Economic Security. After KRS 195.010 to 195.090 are in full effect no such functions shall be exercised by any agencies other than as provided in those sections. All laws or parts of laws in conflict with KRS 195.010 to 195.090 are hereby repealed to the extent of such conflict.

Sec. 6. Section 199.011 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 199.410 to 199.670, unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of Welfare.

(2) "Department" means the Department of Welfare, acting through the Kentucky Children's Bureau and the Division of Child Welfare.

(3) "Division" means the Division of Child Welfare in the Kentucky Children's Bureau.

(4) "Child" means any person who has not reached his twenty-first birthday.

(5) "Child-caring institution or agency" means any agency or institution, other than a state institution or one operated primarily for educational or medical purposes, in which four or more children, not related by blood, adoption or marriage to the person maintaining the institution, are cared for and maintained in residence for compensation or otherwise.

(6) "Child-placing institution or agency" means any agency or institution other than a state agency which arranges for the placement of children in child-caring homes or child-caring institutions, or which arranges for the placement of children for adoption;

(7) "Child welfare worker" means any employe of the department designated as such by the commissioner or social worker employed by a county or city who has been approved by the department to handle, under its supervision, services to children.

Sec. 7. Section 199.410 of the Kentucky Revised Statutes is amended to read as follows;

(1) The provisions of KRS 199.380 to 199.400 shall not affect or apply to boarding homes in which children under the care, custody or control of the department, or receiving aid from the department, are being boarded, and which have been approved by the department as meeting the standards of the department for placement, nor shall the provisions of KRS 199.380 to 199.400 affect persons caring for and providing for children related to them by blood or marriage.

(2) KRS 199.380 to 199.400 shall apply only to counties containing a city of the second class.

Sec. 8. Section 199.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner shall have the power and authority to adopt, amend or rescind such rules and regulations as he deems necessary or suitable for the proper administration of the functions of the division, including qualification for the receipt of federal funds and for cooperation with other state and federal agencies. Such rules and regulations shall become effective in the manner and at the time prescribed by the commissioner.

(2) In the administration of KRS 199.410 to 199.670 the commissioner shall cooperate to the fullest extent possible with any agency of this state or any other state of the United States.

(3) The commissioner is authorized, subject to the provisions of KRS Chapters 12, 42, 45 and 64, to appoint, fix the compensation and prescribe the duties and powers of such officers and employes as may be necessary in the performance of his duties under KRS 199.410 to 199.670. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis, in accordance with merit standards established by law. The commissioner shall not employ or pay any person who is an officer or committee member of any political party organization. The commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of KRS 199.410 to 199.670.

(4) The commissioner shall have the power and authority to elect coverage for the workers in the division under the provisions of KRS Chapter 341, and may elect coverage for such workers under the Workmen's Compensation Law of this state. In the event such coverage is elected the payment of contributions under KRS Chapter 341 and premiums under the Workmen's Compensation Law shall be deemed a proper cost of administration.

(5) The salaries and expenses of the commissioner and his staff shall be considered a proper cost of administration of KRS 199.410 to 199.670, to be charged to the Child Welfare and Benefit Fund in that proportion which the cost of such services rendered in the administration of KRS 199.410 to 199.670 bears to the over-all cost of the services rendered in the administration of the department.

Sec. 9. Section 199.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the discharge of the duties imposed by KRS 199.410 to 199.670 the commissioner or his duly authorized representative may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of books, papers, correspondence, memoranda and other records considered necessary and relevant as evidence in connection with the administration of the division. Such subpoena shall be served in the same manner as a subpoena issued out of a circuit court. Witnesses subpoenaed shall be allowed witnesses' fees according to the rates prescribed by KRS 421.010 for each day their attendance is actually required at a hearing.

(2) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda or other records in response to such subpoena on the grounds that the evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No person shall be prosecuted or subjected to any suit, penalty, or forfeiture on account of any transaction, matter, or thing concerning which he or his agent or worker is compelled, after having claimed privilege against self-

incrimination, to give evidence, except that such witness so testifying shall not be exempt from punishment for perjury.

(3) All letters, reports, communications, and other matters, written or oral, to the division or any of its agents, representatives, or employes, or to any board or official functioning under KRS 199.410 to 199.670, which have been written, sent, or made in connection with the requirements and administration of the division shall be absolutely privileged and shall not be the subject matter or basis for any suit for slander or libel in any court, but no person testifying before the commissioner or his duly authorized representative shall be exempt from punishment for perjury. Information obtained shall not be published or be open for public inspection, except to public employes in the performance of their duties, but any interested party at a hearing before the commissioner or his duly authorized representative shall be supplied with information from such records to the extent necessary for the proper presentation of his case.

Sec. 10. In addition to any other appropriation there is hereby appropriated out of the General Expenditure Fund to the Department of Economic Security the following sums for the following purposes for the designated fiscal years.

Division of Service to Needy Children. Administration and services. For necessary expenses of administration of and service by the Division of Service to Needy Children:

1952-53 ..... $100,000.00
1953-54 ..... $100,000.00

Sec. 11. This Act shall take effect on July 1, 1952.

By Senator McCann.

S. B. No. 211. AN ACT relating to the applicability of KRS 64.480 to 64.760 to Officers in Office on June 30, 1950; repealing, amending and re-enacting Section 64.680 1950 Supplement to the Kentucky Revised Statutes, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 64.680 1950 Legislative Supplement to the Kentucky Revised Statutes be, and the same is, hereby repealed and re-enacted so that as re-enacted said Section shall read as follows:

"Except as otherwise provided in KRS 64.480 to 64.760, and subject to the restrictions prescribed in KRS 64.480 to 64.760, it is the express intent of the General Assembly, in accordance with the authority granted by Section 246 of the Constitution, as amended, that any change in compensation made or authorized to be made by KRS 64.480 to 64.760 shall apply to officers in office on June 30, 1950 subject to the express limitation that when one change in the compensation of any officer in office on June 30, 1950 has been made or become effective by or under KRS 64.480 to 64.760, during his term of office, only one further change in his compensation may be made or become effective during his term.

An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

By Senators Shackelford, Golden, Lassiter, Cornett, Cox, Freeman, Stapleton, Shaikun, Hanratty, Hines, Clark, Robinson, Duffy, and Martin.

S. B. No. 212. AN ACT relating to pleading, practice and procedure in civil actions and criminal proceedings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Statute Revision Commission shall transfer all sections of the Civil Code of Procedure, not repealed herein, to the Kentucky Revised Statutes. The commission shall make such transfer in accordance with the provisions of KRS 447.070 to 447.140, and shall include in the Comparative Section Table the disposition of sections of the Civil Code indicating the assigned KRS number. The commission is authorized to omit any section of the Civil Code in all cases where there is an identical statute contained in the KRS. The Reviser of Statutes shall include in the cer-

tificate, required by KRS 447.110, a statement that he has compared each section so transferred and printed in the Kentucky Revised Statutes with the section as printed in the present Civil Code of Procedure, and that the sections in the Kentucky Revised Statutes are correctly printed.

Sec. 2. The Kentucky Revised Statutes, including all sections of the Civil Code of Procedure transferred by virtue of this Act, and the Code of Practice in Criminal Cases shall be subject to the following rules of construction:

a. Any reference to a particular title, chapter, article, subdivision or section of the Civil Code of Procedure, shall be to the corresponding section or sections of the Rules of Civil Procedure, the Rules of the Court of Appeals, or to the section number of the KRS assigned to the Civil Code section, whichever is applicable.

b. Any reference to "this Code" or to the "Civil Code of Procedure," and like references, shall be to the Rules of Civil Procedure, the Rules of the Court of Appeals or to the appropriate section of the KRS transferred from the Civil Code pursuant to this Act, whichever is applicable.

c. Any reference to a proceeding "in equity," or words of like import, shall be to the corresponding action provided in the Rules of Civil Procedure, for all procedural purposes, and, in all such cases an action authorized to be brought in equity shall not be tried by jury as a matter of right.

Sec. 3. Where a statute grants a right of appeal to the Court of Appeals in special civil cases, the Rules of Civil Procedure shall govern the taking of the appeal, unless in conflict with a specific provision of the statute, except that any notice of appeal required by the Rules shall be given within the time specified in the Rules. In all cases where the statute limits the taking of the appeal to a specific time the appeal shall be docketed in the Court of Appeals within the time so specified.

Sec. 4. (1) Each circuit court shall establish, by rule, for that court, a regular day or days certain at which time motions requiring notice and hearing may be heard and disposed of, and other court business dispatched; provided,

however, that a minimum of at least one day each month shall be so established for each circuit court and held in the county wherein that court sits, unless the number of counties in the judicial district exceeds four. If the number of counties in the judicial district is five, a minimum of at least one motion day each five weeks shall be so established and held, and if the number of counties in the judicial district is six, a minimum of at least one motion day each six weeks shall be so established and held.

(2) The motion day herein required and established shall take precedence over any assigned juridical day, and if the motion day established by any court be in conflict with the assigned juridical day of another court within the same judicial district, the motion day shall take preference.

Sec. 5. The following sections of the Civil Code of Procedure are hereby repealed:

1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 35, 36, 39, 40, 41, 42, 43, 44, 45, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 96, 97, 98, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 271, 272, 273, 274, 275, 276, 277, 281, 282, 283, 286, 287, 288, 290, 291, 292, 293, 294, 296, 297, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314, 315, 317, 326, 327, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 367 a-1 through 367 a-14, 368, 369, 370, 371, 372, 373, 377, 378, 379, 380, 384, 385, 386, 387, 389, 390, 392, 393, 408, 409, 410, 411, 412, 413, 415, 416, 420, 421, 437, 447, 448, 450, 470, 471, 474, 475, 476, 477, 478, 479, 480, 500, 501, 502, 503, 504, 505, 506, 510, 511, 512, 516, 517, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 575, 576, 577, 578, 579, 580,

581, 582, 583, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 603, 604, 608, 609, 610, 611, 612, 613, 614, 615, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 639 a-7, 640, 663, 669, 670, 681, 685, 686, 687, 689, 691, 700, 704, 705, 706, 707, 708, 709, 714, 716, 717, 718, 724, 725, 727, 728, 729, 730, 731, 732, 733, 734a, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 763, 766, 767, 836, 837, 838, 839, 94, 125, 582-a.

Sec. 6. The following sections of the Kentucky Revised Statutes are hereby repealed:

24.130, 24.220, 84.310, 451.030, 451.040, 451.050, 451.080, 451.090, 451.100, 451.110, 451.120, 451.130, 451.140, 451.160, 452.100, 454.010.

Sec. 7. Section 156 of the Code of Practice in Civil Cases is amended to read as follows:

The return day of the order of arrest, if issued at the commencement of the action, shall be the first day of the next term of the court, which does not begin within ten days from the date of the order; if issued afterward, it may be another day in term, at the option of the plaintiff.

Sec. 8. Section 184 of the Code of Practice in Civil Cases is amended to read as follows:

The order shall not be complied with by the sheriff until there has been executed in his presence, by one or more sufficient sureties of the plaintiff, a bond to the defendant, to the effect that the plaintiff shall duly prosecute the action, and that he shall perform the judgment of the court therein, by returning the property, if a return thereof shall be adjudged, and by paying such sums of money as may be adjudged against him in the action, not exceeding double the value of the property and the costs of the action. Any party, or intervenor, establishing a claim to the property, shall be entitled to the benefit of the provisions of said bond.

Sec. 9. Subsection (1) of section 194-a of the Code of Practice in Civil Cases is amended to read as follows:

Any person in whose favor a final judgment in personam has been entered in any court of record of this state may, upon filing affidavit in the office of the clerk of the court in which the judgment was entered, and in the same cause in which said judgment was obtained showing the date of the judgment and the amount due thereon, and that one or more named persons hold property belonging to, or are indebted to, the judgment debtor, obtain an order of garnishment directed to the sheriff, with as many copies as the plaintiff may direct, requiring him to summon the garnishees named in the affidavit in the manner and at the time required for an answer by the Rules of Civil Procedure, and to make due return thereof. The order shall be made returnable as an order of arrest is directed to be returned.

Sec. 10. Section 199 of the Code of Practice in Civil Cases in amended to read as follows:

The order of attachment shall be directed and delivered to the sheriff, with as many copies thereof as the plaintiff may direct. It shall require him to attach and safely keep the property of the defendant in his county not exempt from execution, or so much thereof as will satisfy the plaintiff's claim specified in his affidavit, which shall be stated in the order, and the probable costs of the action, not exceeding thirty dollars; also to summon the garnishees to answer in the action in the manner and at the time required for an answer by the Rules of Civil Procedure, and to make due return thereof. The order shall be made returnable as an order of arrest is directed to be returned.

Sec. 11. Section 203 of the Code of Practice in Civil Cases is amended to read as follows:

The order of attachment shall be executed by the sheriff without delay in the following manner—

1. Upon real property, by leaving with the occupant thereof, or, if there be no occupant, in a conspicuous place thereon, a copy of the order.

2. Upon personal property capable of manual delivery, by taking it into his custody and holding it subject to the order of the court; or, if it be held by another officer under process or under a distress for taxes, by delivering to

him a copy of the order, with a notice specifying the property attached.

3. Upon other personal property, by delivering a copy of the order, with a notice specifying the property attached, to the person holding it; or, as to a debt or demand, to the person owing it; or, as to stock in a corporation, or property held, or a debt or demand owing by it, to the officer or agent upon whom a summons may be served, and by summoning the person or corporation to answer as a garnishee in the action. The sheriff shall deliver copies to, and summon, such persons as garnishees as the plaintiff may direct. But no notice need be given in any case describing or specifying the debt or demand attached, but only a notice that the persons or corporation to whom the order of attachment is delivered is summoned to answer as a garnishee in the manner and at the time provided for an answer by the Rules of Civil Procedure.

Sec. 12. Section 224 of the Code of Practice in Civil Cases is amended to read as follows:

Each garnishee summoned shall appear. The appearance may be in person; or by the affidavit of the garnishee, served and filed in the manner and at the time required for an answer by the Rules of Civil Procedure, disclosing truly the sum owing by him to the defendant, whether due or not, and the property of the defendant in the possession or under the control of the garnishee; and, in the case of a corporation, any shares of stocks therein held by or for the benefit of the defendant, at or after the service of the order of attachment.

Sec. 13. Section 263 of the Code of Practice in Civil Cases is amended to read as follows:

The defendant shall serve and file his affidavit, in the manner and at the time required for an answer by the Rules of Civil Procedure, denying all or any of the material statements of the affidavit on which the attachment is issued; and, thereupon, the attachment shall be considered as controverted, and the affidavits of the plaintiff and defendant shall be regarded as the pleadings concerning the attachment, and have no other effect. If the attachment was ob-

tained at the commencement of the action, the defendant may file his affidavit at such time after the levy of the attachment as is given by the Rules of Civil Procedure for filing his defense after the service of the summons—which period may be extended by the court for sufficient cause.

Sec. 14. Subsection (4) of section 407 of the Code of Practice in Civil Cases is amended to read as follows:

The revivor may be made upon a rule in the action, ten days' notice of which shall be served in the same manner as summons. The motion for revivor shall be docketed and tried as other motions, and the court may cause execution to issue without delay.

Sec. 15. Section 414 of the Code of Practice in Civil Cases is amended to read as follows:

That when the Commonwealth shall have received money under a judgment rendered upon constructive service, and the defendant did not appear, and such judgment is thereafter modified or set aside under the provisions of the Rules of Civil Procedure, upon a retrial, the court in making an order for the restoration of such money, shall direct the proper financial officer of the Commonwealth to draw his warrant upon the Treasurer for the proper amount in favor of the party in whose favor the order of restoration may be made, and it shall thereupon become the duty of such officer to draw his warrant in obedience to such order.

Sec. 16. Section 417 of the Code of Practice in Civil Cases is amended to read as follows:

The title of purchasers in good faith to any property sold under an attachment or judgment shall not be affected by a new trial allowed a defendant constructively summoned, except the title of property obtained by the plaintiff and not bought of him in good faith by others.

Sec. 17. Section 419 of the Code of Practice in Civil Cases is amended to read as follows:

No personal judgment shall be rendered against a defendant constructively summoned, and who has not appeared in the action.

Sec. 18. Section 445 of the Code of Practice in Civil Cases is amended to read as follows:

Notice of such motion shall be served on the party against whom judgment is sought, at least ten days before the motion is made. The motion and notice thereof shall be served by an officer authorized to serve a summons, and the service and return shall be made in the manner prescribed for service of summons by the Rules of Civil Procedure.

Sec. 19. Section 489 of the Code of Practice in Civil Cases is amended to read as follows:

1. The real property or any right, title or interest in real property of a person under the age of twenty-one years, or of a person of unsound mind, whether such person be a resident or a non-resident of this State, may be sold under or by decree of a Court of Equity of the County in which the property or any part thereof is situated for any purpose deemed by the chancellor to be necessary or proper or beneficial to such person under disability.

2. The decree may be rendered on a petition, counterclaim or cross-petition filed by the statutory guardian of an infant, or by the committee of a person of unsound mind, or by a next friend, or by any party against a guardian or committee, if he have one residing in this State, in any kind of similar proceeding that may be maintained against a person who is not under disability.

Except in actions brought under sub-section eight (8) hereof, if the guardian or committee of a person under disability be a party to the action, then it shall not be necessary for the person under disability to be made a party personally.

If the guardian or committee of a person under disability be not a party to the action, then it shall be necessary for the person under disability to be a party personally and brought before the Court in the manner authorized by the Rules of Civil Procedure.

Nothing contained in this sub-section shall limit the purposes of sale named in sub-section 1 hereof.

If the suit be filed against a guardian or committee and he shall fail to appear and defend or show that no good de-

fense can be made, the Court shall appoint a guardian ad litem to do so.

3. The pleading seeking a sale shall file the title papers, or copies thereof, under which the property is held; shall particularly describe the property and the interest therein of the person under disability; set forth fully the reasons or purposes for which it is sought to have the same sold; and the nature and extent of all liens upon the interest of the person, if any, so far as the same may be known to the petitioner.

4. The case may be referred by order of Court to the Master Commissioner for hearing of evidence and report on the facts and his recommendation with respect to the relief sought in the pleadings.

5. The allegations of the pleading shall not be taken as confessed but shall be proved by competent evidence heard on deposition or orally by the chancellor or commissioner. A transcript thereof shall be filed as part of the record.

6. The proceeds of any sale may be paid to the guardian or committee provided that he shall have executed in the Circuit Court a bond with surety to the Commonwealth for the use and benefit of the person under disability that he will faithfully discharge his trust and will account for, pay and deliver to said person all money and other property due or belonging to him when he shall reach his majority, or if he be a person of unsound mind when he shall be legally restored, or to his heirs or personal representative, or in compliance with an order of any court of competent jurisdiction. The court shall endorse its approval on said bond, which shall be recorded on the order book.

7. Subject to the above conditions, judgment may be rendered and executed in the same manner and on the same terms as judgments in similar cases where no person under disability is a party.

Provided, that (a) the Court may in its discretion authorize the guardian or committee of such person or the Commissioner of the Court to make said sale at public auction upon such terms and conditions as the court may order, and to convey title thereto; or (b) if the land or interest to

be sold be of an appraised value of less than $1,000, the court may in the judgment authorize such fiduciary to make the sale privately and convey title; subject, however, to the approval of the chancellor before consummation.

8. Without previous judicial proceeding or judgment the guardian of an infant or the committee of a person of unsound mind may sell privately or at public auction and convey any interest in real estate owned by a ward for such reasons and purposes and upon such terms and conditions as he shall deem best for the interest of said ward. Provided, however, that no such sale shall be consummated until same shall have been approved by the judge of the Circuit Court in the County where the land or a portion thereof is situated in a suit in equity filed by the guardian or committee against said infant or person of unsound mind. The petition shall set forth the reasons and purposes of the sale and the terms thereof.

If the person under disability be brought before the Court by service of summons, a guardian ad litem shall be appointed for such person. Proof shall be taken only on notice to said guardian ad litem or, if the person under disability be constructively summoned, on notice to his warning order attorney. Proof may be taken by depositions or orally before the chancellor and thereafter transcribed and filed in the record of the case. The guardian ad litem or warning order attorney shall make a defense or file a report stating that after careful examination of the case he is unable to make a defense.

If the chancellor shall deem the sale advisable and the terms and price satisfactory, he shall enter an order approving the same; provided, however, that the judgment shall not be entered until the guardian or committee shall have executed a bond with approved surety in an amount not less than the sum due, or to become due, his ward from said sale providing that he will faithfully discharge all his duties as such guardian or committee and will comply with the judgment and orders of the court, and account for, pay and deliver the proceeds of the sale or property in which it shall be invested to his ward or other person entitled thereto. The

bond shall be approved by the court and recorded in the order book. Provided if the share of the infant in the proceeds does not exceed $100.00, exclusive of interest, no bond shall be required of the guardian. This proceeding may be tried and judgment rendered in accordance with the Rules of Civil Procedure.

9. The court shall at all times enter such orders as will conserve and protect the rights of the person under disability.

10. No defect or error in the proceeding shall render the judgment or sale void unless the same is of the nature and character that would render the proceeding void if all parties were sui juris.

Sec. 20. Section 518 of the Code of Practice in Civil Cases is amended to read as follows:

The court in which a judgment has been rendered shall have power to vacate or modify it when any paper purporting to be the last will of any person has been, or may be hereafter admitted to probate, and a later will has been discovered. A judgment on this ground, however, shall not be vacated or modified, unless proceedings to that end shall be instituted within twenty-five years after the death of the testator. If the earlier will shall have been established by judgment of the circuit court on appeal from a judgment of the county court, the proceedings to vacate shall be instituted in the circuit court. The proceedings to vacate shall be by petition to which all persons interested in the earlier will shall be made defendants. If no appeal shall have been taken from the judgment of the county court probating the earlier will, the proceedings to vacate shall be instituted in that court. Provided, however, that a judgment on the ground herein named shall not be vacated or modified until the validity of such later will has been determined in such proceedings. When such former judgment has been vacated or modified such later will shall be admitted to probate in the manner and under the laws governing the probation of wills before the expiration of five years. The judgment establishing such later will and vacating the judgment establishing the former will shall be without prejudice to the

vested rights of innocent third parties. The court in which relief is sought for the reasons herein set out, may enter such orders as may be necessary to protect the rights of the parties during the pendency of the proceedings. In all such proceedings either party shall have the right of appeal to the circuit court and the Court of Appeals as in other will cases.

Sec. 21. Section 584 of the Code of Practice in Civil Cases is amended to read as follows:

For issuing a subpoena or warrant of arrest, and for summoning or arresting a witness, the same fees shall be paid, to officers taking depositions or interrogatories as are allowed to clerks and sheriffs for similar services.

Sec. 22. Section 639 a-5 of the Code of Practice in Civil Cases shall be amended to read as follows:

Any party aggrieved by a declaratory judgment, order or decree, rendered in the circuit court, may take and perfect an appeal to the Court of Appeals in the manner provided in the Rules of Civil Procedure for appeals. Such appeal shall be at once docketed in the Court of Appeals, and may be advanced for immediate hearing and submission. The Court of Appeals shall prepare proper rules as to arguments and briefs applicable to cases brought before it under this Act, and advanced as above prescribed.

Sec. 23. Section 671 of the Code of Practice in Civil Cases shall be amended to read as follows:

The clerk of any court may administer any oath or take any affidavit requested or permitted in the progress of an action; and shall make orders of survey, during vacation, upon the application of any party, after service of process, and shall endorse the same on the petition, noting the date thereof and the party for whom it was made; and said orders of survey shall have the same effect as if made by the court, if the party obtaining the order give to his adversary notice that the order has been made and of the time when it is to be executed.

Section 24. Section 672 of the Code of Practice in Civil Cases is amended to read as follows:

The clerk of any court shall prepare in a proper man-

ner every bond to be taken by or given before him or his court.

Section 25. Section 673 of the Code of Practice in Civil Cases is amended to read as follows:

The clerk of any court shall refuse any surety offered in a bond to be taken by him who is, in his opinion, insufficient.

Section 26. Section 678 of the Code of Practice in Civil Cases is amended to read as follows:

Any duty enjoined by law or by the Rules of Civil Procedure upon a ministerial officer, and any act permitted to be done by him, may be performed by his lawful deputy.

Sec. 27. Section 692 of the Code of Practice in Civil Cases is amended to read as follows:

The plaintiff in an action for enforcing a lien on property shall state in his petition the liens held thereon by others, making them defendants; and may ask for and obtain a judgment for a sale of the property to satisfy all of said liens which are shown to exist, though the defendants fail to assert their claims. Such defendants shall not, however, be allowed to withdraw or receive any of the proceeds of such sale, until they have shown their right thereto by answer and cross claim, which shall be asserted as provided in the Rules of Civil Procedure.

Sec. 28. Section 693 of the Code of Practice in Civil Cases is amended to read as follows:

In an action for the recovery of money in which the defendant may have given bond with sureties, or for whom sureties may have given bond, pursuant to the provisions of sections 214, 221, 258; or in which an appellant may have given bond with sureties, or for whom sureties may have given bond, for the purpose of appeal from an inferior court to a circuit court or for the purpose of a supersedeas pending an appeal to the Court of Appeals—if such defendant or appellant have thereafter become a bankrupt under the laws of the United States, upon notice thereof from his adversary being served on the sureties, by summons, the court shall decide whether or not anything, and, if anything, how much, should have been adjudged against the defendant or

appellant, but for the bankruptcy; and such decision shall be conclusive as to the liability of the sureties; but they shall not be liable upon a bond given pursuant to section 214, if property released from an attachment by reason thereof, or its proceeds, have lawfully come to the defendant's or appellant's assignee in bankruptcy.

Sec. 29. Section 701 of the Code of Practice in Civil Cases is amended to read as follows:

A summons, order for a provisional remedy and other process, from quarterly courts or county courts, shall be directed to the sheriff, coroner or a constable, at the option of the plaintiff; those from police, city and mayors' courts shall be directed to the marshal or a constable; and those from courts of justices of the peace shall be directed to a constable; or to a special agent appointed by the justice, by an indorsement on the process, upon an affidavit of the plaintiff or his agent being filed before the justice, to the effect that the process can not be executed, according to the belief of the affiant, unless such special agent be appointed; but such process may be served by any officer or person who is authorized by law to serve a summons.

Sec. 30. Section 710 of the Code of Practice in Civil Cases is amended to read as follows:

In an action commenced in a Justice Court, if the defendant reside in the county in which the summons is issued, it shall be returned for trial in the district of his residence, unless he otherwise consent in writing, signed by him and indorsed on the summons; or, unless the justices in such district be interested or refuse to act, in which case it shall be returned in an adjoining district. If it be issued by the judge of the quarterly court, it shall be returned before him.

Sec. 31. Section 715 of the Code of Practice in Civil Cases is amended to read as follows:

In quarterly courts, county courts, police courts, and courts of justices of the peace, only one docket is required to be kept, on which shall be entered all the actions and motions as they shall be returned. Each presiding judge and justice of the peace shall, in a book provided for that

purpose, keep a full and fair record of judicial proceedings in his court; and keep a good cross-index of the names of the litigants, referring to the pages of the book of every entry in each case.

Sec. 32. Section 726 of the Code of Practice in Civil Cases is amended to read as follows:

Appeals from quarterly courts, county courts, police courts and courts of justices of the peace shall be docketed and stand for trial as other civil actions, and shall be tried anew, as if no judgment had been rendered. The appeal shall be taken as required by the Rules of Civil Procedure or as required by any applicable statute.

Sec. 33. Section 734 of the Code of Practice in Civil Cases is amended to read as follows:

The mode of bringing the judgment of an inferior court to the Court of Appeals, for reversal or modification, shall be by an appeal. The appeal shall be taken and perfected as provided in the Rules of Civil Procedure.

Sec. 34. Section 745 of the Code of Practice in Civil Cases is amended to read as follows:

An appeal to the Court of Appeals may be taken by an infant not under coverture, or a person of unsound mind, or a prisoner who did not appear by his attorney, or by their representatives, within one year next after their deaths or the removal of their disabilities, whichever first may happen.

Sec. 35. Section 764 of the Code of Practice in Civil Cases is amended to read as follows:

Upon the affirmance of an appeal, or the dismissal of an appeal after it has been docketed in the Court of Appeals, where the appeal is from a judgment for the payment of money, the collection of which, in whole or in part, has been superseded, as provided in the Rules of Civil Procedure, 10% damages on the amount superseded shall be awarded against the appellant.

Sec. 36. Section 94 of the Code of Practice in Criminal Cases is amended to read as follows:

(1) Upon the forfeiture of a bail bond the court shall order a summons to be issued against the bail, requiring

them to show cause why judgment should not be rendered against them, on the forfeiture, for the sum fixed in the bail bond.

(2) If the court fail to make such order, the attorney for the Commonwealth may, at any time after the close of the term, cause such summons to be issued by the clerk of the court.

(3) No pleadings shall be required on the part of the Commonwealth, but the summons shall be served, answer made, and all subsequent proceedings taken, at the same time and manner as in other civil actions.

Sec. 37. Section 95 of the Code of Practice in Criminal Cases is amended to read as follows:

When the sheriff or other officer shall return the summons, issued under section 94, not executed, in whole or in part, and that the defendants, or any of them, are non-residents of this Commonwealth, or so concealed themselves or himself that the summons can not be executed upon them or him, the attorney for the Commonwealth may sue out an attachment against the estate of the defendants as to whom such return shall have been made, and proceed as provided by law, except no affidavit nor bond shall be required; or he may in any case, after forfeiture, sue out an attachment for any of the causes enumerated by law making an affidavit and executing bond as required by law.

Sec. 38. Section 153 of the Code of Practice in Criminal Cases is amended to read as follows:

If it appear by affidavit that a material witness is about to leave this State without the procurement or consent of the defendant, or is physically unable to attend for examination in court; or that his death is apprehended; "or that he is a non-resident of this State, and beyond the reach of the process of the court," the court or the judge, "or any circuit judge" in vacation, may authorize the defendant to take his deposition. The court or judge shall, by written order, prescribe the manner of taking the deposition, whether by written interrogatories, or upon notice to the attorney for the Commonwealth; and such deposition shall only be used if the witness be dead or is absent from the

State, or physically unable to attend for examination in court at the time of trial. The deposition may be taken by any officer who is authorized to take depositions by law: Provided, That the deposition of a non-resident shall only be taken upon interrogatories to be filed with the clerk of the court in which the trial is pending, in the same time and manner that is prescribed in the Rules of Civil Procedure for taking depositions in civil actions.

Section 39. Section 280 of the Code of Practice in Criminal Cases is amended to read as follows:

Upon the trial of Criminal Prosecutions, either party may except to any decision of the court by which the substantial rights of such party are prejudiced.

Sec. 40. Section 282 of the Code of Practice in Criminal Cases is amended to read as follows:

(1) (a) An exception is an objection taken to a decision of a court upon a matter of law.

(b) A party may, without a previous objection, except to a decision against him, unless it be made at the instance of the adverse party.

(c) But a party can not except to a decision made at the instance of the adverse party, unless objection shall have been made to the motion, offer or request of the adverse party.

(2) The party objecting must except when the decision is made; and time may be given to prepare a bill of exceptions, but not beyond a day in the succeeding term, to be fixed by the court.

If the judge of said court shall die or resign, or his term of office shall expire before the term of court to which time is given to file bill of exceptions or if the regular judge of the court, or any special judge who shall have tried the case, does not preside at the said next term of court, then it shall be the duty of the regular judge of said court, if present and presiding, or any special judge who may be presiding at said term of court, to sign said bill of exceptions, and attest the transcript of testimony taken by the official stenographic reporter, and make all necessary orders with reference thereto.

If no court is held at the term to which time is given to file bill of exceptions, then the party offering the bill of exceptions shall have until the next term of court to prepare the bill of exceptions; Provided: That time may be given to a date in vacation within which the bill of exceptions may be tendered, and when same is approved and signed by the then judge of the court in which the case was tried, and filed by the clerk of said court, said bill of exceptions and the transcript of evidence shall have the same effect as if filed in term time.

(3) (a) No particular form of exception or bill of exceptions, is required. A party must not, except as hereinafter provided, state the evidence, but must state the material facts which the evidence conduced to prove; and, if the exception be to a decision admitting or excluding testimony, or concerning its meaning or effect, so much of the evidence as is necessary to explain the exception, and no more, shall be stated.

(b) If the judge refuse to sign the bill of exceptions, as presented; or if the party wish to appeal upon the ground that the verdict is not sustained by the evidence, it shall be stated in full, and the bill of exceptions be presented to the judge.

(c) But if a number of instruments of substantially the same character be used upon a trial it shall be sufficient to furnish a copy of one of them in the bill of exceptions, accompanied by a statement showing its resemblance to the others, and how many such others were used on the trial; and such copy and statement shall have the same effect as if all of said instruments had been copied in the bill of exceptions.

(4) If the decision objected to be entered on the record, and the grounds of objection appear in the entry, the exception may be taken by the party causing to be noted, at the end of the decision, that he excepts.

(5) (a) If the decision be not entered on the record, or the grounds of objection do not appear in the entry, the party must prepare his bill of exceptions and present it to the judge for his signature.

(b) Exceptions taken during the trial need not be noted of record, nor reduced to writing, unless by order of court until after the trial. During the term at which the judgment becomes final the party excepting shall unless further time be given to him, prepare his bill of exceptions, which shall include all the decisions of the court excepted to, in consecutive order; and, if he except to a decision of the court in granting or refusing any instruction, all the instructions given and refused shall be also included.

(c) If the bill of exceptions be approved by the judge, he shall sign it, and it shall be filed as part of the record, but not spread at large on the order book. If not approved, he shall correct it, or suggest the correction to be made, and sign it. A party objecting to the judge's correction of an exception which purports to state the evidence may, within five days after the bill is signed, file the exception as written by him, if its truth be attested by the affidavits of two bystanders; but its truth may be controverted and maintained by other affidavits filed in the clerk's office, not exceeding five on either side.

(d) Affidavits controverting an exception not signed by the judge must be filed in the clerk's office, and notice of the filing given, within fifteen days after the filing of such exceptions; and affidavits sustaining such exception must be filed within fifteen days after such notice.

(e) If the judge who presided at the trial does not preside when a motion for a new trial is overruled, the bill of exceptions may be certified by bystanders, and be controverted and maintained, pursuant to the provisions of subsections (c) and (d) of this section.

(6) No exceptions shall be regarded, unless the decision to which it relates be prejudicial to the substantial rights of the party excepting.

(7) In cases in which, by subsection (1) (b), the evidence is required to be stated in full, the judge shall certify in the bill of exceptions that it contains all the evidence. In all other cases he shall certify that the bill of exceptions is true.

Sec. 41. Section 315 of the Code of Practice in Criminal Cases is amended to read as follows:

The clerk shall issue subpoenas for witnesses at the request of the officers of the city or of the defendant, and the court may compel their attendance in the manner and by the process provided by law.

Sec. 42. Section 329 of the Code of Practice in Criminal Cases is amended to read as follows:

The justice shall issue subpoenas for witnesses and for the production of documentary evidence, and enforce their attendance, or its production in the manner prescribed by law.

Sec. 43. Section 370 of the Code of Practice in Criminal Cases is amended to read as follows:

Upon a judgment being rendered against the defendant on an appeal, and an execution issued thereon, in one year from its rendition, being returned unsatisfied, a summons shall be issued by the clerk, at the request of the Commonwealth's attorney, against the surety on the appeal and suspending covenants, requiring him to answer in the time and manner required by the Rules of Civil Procedure for civil actions, to show cause why judgment should not be rendered against him on said covenants, which summons shall be directed, delivered, served and returned as a summons in a civil action and be tried as a civil action. If the surety have any defense thereto, he shall make it by answer, and the issues of law or of fact thereon shall be tried and decided.

Sec. 44. Section 370 a-1 of the Code of Practice in Criminal Cases is amended to read as follows:

Every supersedeas bond or appeal and supersedeas bond executed under the provisions of the Rules of Civil Procedure and under section 349 of Criminal Code of Practice in contemplation of an appeal to the Court of Appeals for the purpose of superseding a judgment shall have the force and effect of a judgment, upon which the clerk of the court of appeals shall issue execution only for the cost adjudged in the court of appeals in favor of the appellee and against the appellant.

Sec. 45. KRS 23.150 is amended to read as follows:

The Judge of each Circuit Court, other than those of continuous session, may make or direct in vacation or term time at his chambers, at the circuit clerk's office or at any other place in any county in the district, any order, rule, or judgment in any proceeding on the criminal docket, upon reasonable notice to the parties, except where trial by jury is called for or ordered by the court. In civil actions the judge may act out of term time as authorized by the Rules of Civil Procedure.

Sec. 46. KRS 24.210 is amended to read as follows:

(1) The court shall, in general term, make rules of court governing the assignment of civil actions to the civil branches, and the divisions thereof, for the purpose of making up issues and for the purpose of trial. The rules shall, in so far as practicable, provide for the assignment of all actions wherein the parties are not entitled to a jury as a matter of right to the chancery branch of the court.

(2) All criminal prosecutions and all proceedings on bail bonds and recognizances in criminal cases shall be brought and prosecuted in the criminal branch.

Sec. 47. KRS 28.050 is amended to read as follows:

The clerk of quarterly courts, police courts and courts of justices of the peace, and circuit clerks in all criminal proceedings shall from his minutes draw up the proceedings of each day in a plain, legible manner, which, after being corrected as ordered by the court, and read in an audible voice, shall be signed by the presiding judge.

Sec. 48. Subsection (2) of KRS 28.430 is amended to read as follows:

(2) In all criminal proceedings, upon the motion of either party the court shall order the reporter to make a full and accurate transcript and duplicate copy of his notes. The original shall be filed among the papers to be used in making up the bill of exceptions to the Court of Appeals. The duplicate copy shall be filed with the papers, and remain in the office of the clerk of the court as a public record.

In all civil actions the record of proceedings and the

transcript of evidence shall be made up in accordance with the Rules of Civil Procedure.

Sec. 49. KRS 371.030 is amended to read as follows:

The consideration of any writing, with or without seal, may be impeached or denied by pleading.

Sec. 50. Subsection (1) of KRS 421.010 is amended to read as follows:

(1) Except as provided in KRS 421.020 and subsection (2) of this section, a witness, subpoenaed or recognized to attend, shall be allowed one dollar for each day's attendance on court or arbitrators, or to give a deposition, or to give evidence on any legal occasion. Officers attending out of their county, under a subpoena duces tecum, shall be allowed two dollars per day. A witness who resides more than twenty miles from the place to which he is subpoenaed shall be allowed four cents per mile and ferriages and tollage in going and returning, in addition to his per diem.

Sec. 51. KRS 451.150 is amended to read as follows:

(1) In criminal proceedings, unless further time is given, a bill of exceptions shall be prepared and presented to the judge within sixty days after the making of the order excepted to, or within sixty days after the judgment excepted to becomes final; but exceptions taken during the trial need not be noted of record or reduced to writing until after the trial, unless the court otherwise orders. Further time may be given to prepare a bill of exceptions, but not beyond one hundred and twenty days after the judgment becomes final.

(2) In civil actions, the transcript of proceedings and evidence shall be prepared as provided in the Rules of Civil Procedure.

Sec. 52. KRS 452.020 is amended to read as follows:

Before an order for a change of venue is made, ten days' notice shall be given to the adverse party. The notice shall be served and filed as provided in the Rules of Civil Procedure.

Sec. 53. KRS 452.080 is amended to read as follows:

Upon receipt of the paper the receiving clerk shall note

the action of record, and the action shall proceed as if the last pleading, motion or order was made on the date of such notation.

Sec. 54. Subsection (5) of KRS 16.150 is amended to read as follows:

Any party aggrieved by a judgment of the Franklin Circuit Court may appeal to the Court of Appeals in the manner provided in the Rules of Civil Procedure, but such appeal shall be docketed within 60 days from the entry of judgment, unless the time be extended by the circuit court, but in no event beyond 120 days from the entry of judgment. The appeal may be advanced for immediate hearing and submission.

Sec. 55. Subsection (5) of KRS 66.310 is amended to read as follows:

An appeal may be taken from the circuit court to the Court of Appeals in the manner provided in the Rules of Civil Procedure, except that such appeal must be docketed within thirty days, exclusive of Sundays and holidays, from the entry of the judgment. The appeal may be advanced for immediate hearing and submission.

Sec. 56. Subsection (1) of KRS 100.970 is amended to read as follows:

Appeals to the Court of Appeals from judgments and appealable orders of the circuit courts arising under the planning and zoning laws of this Commonwealth shall be taken in the manner provided in the Rules of Civil Procedure, but such appeal shall be docketed within 60 days from the entry of judgment; unless the time be extended by the lower court, but in no event beyond 120 days from the entry of judgment. The appeal may be advanced for immediate hearing and submission.

Sec. 57. KRS 220.100 is amended to read as follows:

Any owner of real property in the proposed district who has not signed the original petition for the creation of the district and who wishes to object to the organization of the district shall, within sixty days after the giving of notice by the commissioner, file his petition in the circuit court of the county in which the larger part of the proposed

district is located, naming the commissioner defendant and setting out in the petition his objections to the organization of the district. The commissioner shall be represented in the circuit court by the county attorney and in the Court of Appeals by the Attorney-General, and he also may require his defense to be made by the petitioners or some of them. The issues may be made up and the case may be docketed for hearing as in an action for a declaration of rights. An appeal to the Court of Appeals may be taken in the manner provided in the Rules of Civil Procedure, but such appeals shall be docketed within 60 days from the entry of judgment; unless the time be extended by the lower court, but in no event beyond 120 days from the entry of judgment. The appeal may be advanced for immediate hearing and submission. The burden of proof shall be upon the plaintiff to show cause why the district should not be organized. If the court renders judgment against the commissioner, judgment shall point out the changes required for the establishment of a district, which, if met by the commissioner, shall authorize the creation of the district. If the changes are not met by the commissioner, the proposed district shall not be organized unless new proceedings are instituted for the creation of a district, but such new proceedings shall not be instituted for a period of six months after the date of judgment. If the court gives judgment against the plaintiff, the commissioner shall organize the district. An appeal taken as authorized in this section shall suspend the judgment until the case has been passed upon by the Court of Appeals and final judgment rendered. Either the plaintiff or the commissioner may appeal from the judgment of the circuit court to the Court of Appeals, but the commissioner shall not be required to make any appeal bond. Except as otherwise provided in this section, the pleading and practice shall be the same as in other suits in equity.

Sec. 58. KRS 243.590 is amended to read as follows:

Any party aggrieved by a judgment of the Franklin Circuit Court may appeal to the Court of Appeals in the manner provided in the Rules of Civil Procedure, but such appeal shall be docketed within 60 days from the entry of

judgment; unless the time be extended by the lower court, but in no event beyond 120 days from the entry of judgment. The appeal may be advanced for immediate hearing and submission.

Sec. 59. Subsection (j) of KRS 271.415 is amended to read as follows:

The right of an objecting shareholder either to recover such fair market value of his shares or to set aside the corporate action objected to, both in the manner and upon the terms and conditions and subject to the limitations provided in this section, shall be his exclusive remedy, and he may seek either the one or the other remedy, but not both. Any action by an objecting shareholder permitted hereunder shall be advanced on the docket for an early hearing as actions for declarations of rights may be, and shall be heard and disposed of an expediously as is reasonably possible, save as in this section is provided. From any final judgment rendered by a circuit court in any such action, an appeal may be taken to and heard by the Court of Appeals of Kentucky, in the manner provided in the Rules of Civil Procedure, but such appeal shall be docketed within 60 days from the entry of judgment; unless the time be extended by the lower court, but in no event beyond 120 days from the entry of judgment. The appeal may be advanced for immediate hearing and submission.

Sec. 60. Subsection (3) of KRS 88.020 is amended to read as follows:

Defense may be made to the petition by any voter of the town, and if a defense is made the court shall hear and determine the same and may render judgment dissolving and annulling the charter. The pleadings and practice, except as herein provided, shall be the same as in equity cases; an appeal shall lie from the judgment as in other civil actions.

Sec. 61. Subsection (4) of KRS 96.600 is amended to read as follows:

At the first regular term of the county court, after the owners have been summoned 10 days, if the summons be served in the county, or if served outside the county 20

days, or if the service is constructive thirty days, it shall be the duty of the court to examine said report, and if it shall appear to be in conformity to this law, and to the extent that no exceptions have been filed thereto by either party, it shall confirm said report as against the owners not excepting.

Sec. 62. KRS 266.060 is amended to read as follows:

At the first regular term of the court after the owners and tenants have been summoned 10 days, if the summons be served in the county, or if served outside the county 20 days, or the service is constructive 30 days, if no exceptions are filed to the report by any party, the court shall determine from the report and any other evidence whether the levee shall be established as recommended by the commissioners.

Sec. 63. Subsection (2) of KRS 267.060 is amended to read as follows:

The action on the viewers' preliminary report shall stand for exceptions as to each party brought before the court, at the next regular term of the court after summons has been served 10 days, if the summons be served in the county, or if served outside the county 20 days, or if the service is constructive 30 days. No exceptions shall be filed by an party properly before the court after that term, unless for good cause shown the time for filing them is extended by the court, or unless the court is satisfied that due diligence has been exercised and that in the interest of justice such exceptions should be thereafter filed, in which event it may by order permit the filing of the exceptions at a later date. No exceptions shall in any event be filed by parties then before the court after the entry of the order setting the proceeding down for trial on the exceptions. If exceptions are filed by any party in interest, the proceeding shall be continued from time to time until all the parties are before the court.

Sec. 64. KRS 188.030 is amended to read as follows:

The clerk of the court in which the action is brought shall issue a summons against the defendant named in the

petition and direct it to the sheriff of Franklin County. The sheriff shall execute the summons by delivering a true copy to the Secretary of State and shall also deliver with the summons an attested copy of plaintiff's petition. The Secretary of State shall immediately mail the copy of the summons and petition to the defendant at the address given in the petition. The letter shall be posted by prepaid registered mail and shall bear the return address of the Secretary of State. The sheriff shall make the usual return to the court, and in addition the Secretary of State shall make a return to the court showing that the acts contemplated by this statute have been performed, and shall attach to his return the registry receipt, if any. Summons shall be deemed to be served on the return of the Secretary of State and the action shall proceed as provided in the Rules of Civil Procedure.

Sec. 65. Subsection (2) of KRS 300.090 is amended to read as follows:

Service shall be made upon the director by serving duplicate copies of the summons and petition. When legal process against the society is served upon the director, he shall forward by registered mail one of the duplicate copies prepaid and directed to the Secretary or corresponding officer of the society. The process server shall make the usual return to the court, and in addition the director shall make a return to the court showing that the acts contemplated by this subsection have been performed, and shall attach to his return the registry receipt, if any. Summons shall be deemed to be served on the return of the director and the action shall proceed as provided in the Rules of Civil Procedure.

Sec. 66. KRS 416.040 is amended to read as follows:

At the first regular term of the county court after the owner has been summoned 10 days, if the summons be served in the county, or if served outside the county 20 days, or if the service is constructive 30 days, the court shall examine the report, and if it appears to be in conformity to the provisions of KRS 416.020, the court shall confirm the report as against any party not excepting thereto, or to the extent that no exceptions have been filed.

Sec. 67. KRS 416.260 is amended to read as follows:

Any answer or other pleading filed by the owner or owners in response to the summons shall be filed on or before the first day of the first regular term of the county court after the owner or owners have been summoned 10 days if the summons be served in the county, or if served outside the county 20 days, or if the service is constructive 30 days. The answer or other response shall be confined solely to the question of the right of the petitioner to condemn the property sought to be condemned, but without prejudice to the owner's right to appeal from the amount of the compensation awarded in the manner provided in subsection (1) of KRS 416.280.

Sec. 68. Subsection (1) of KRS 416.270 is amended to read as follows:

At the first regular term of the county court after the owner has been summoned 10 days, if the summons be served in the county, or elsewhere in the State 20 days, or if the service is constructive 30 days, the court shall examine the report of the commissioners to determine whether it conforms to the provisions of KRS 416.240. If the report of the commissioners is not in the proper form the court shall require the commissioners to make such corrections as are necessary.

Sec. 69. KRS 381.600 is amended to read as follows:

At the first regular term of the county court after the owner has been summoned 10 days, if the summons be served in the county, or elsewhere in the State 20 days, or if the service is constructive 30 days, the court shall examine the report, and if it appears to be in conformity to this law, and to the extent that no exceptions have been filed thereto by either party, it shall confirm the report as against the owners not excepting.

Sec. 70. KRS 28.060 is amended to read as follows:

Every clerk shall, except in civil actions in circuit courts, in each action within thirty days after the close of each term, endorse on an inner envelope, to be filed with the papers of the action, a list of all process issued, the return day thereof, the parties named therein, the return of the

process and the persons on whom the same was served, and the date and substance of each order made and steps taken in the action.

Sec. 71. Subsection (1) of KRS 396.020 is amended to read as follows:

No action shall be brought or recovery had on a claim against a decedent's estate until demand of payment has been made of the personal representative, accompanied by the required affidavit; provided that such demand need not be made if the personal representative of the decedent be a a non-resident of this State or shall have been absent therefrom four months.

Sec. 72. In all courts of continuous session having more than one civil division, when two or more actions have been filed that may, as a matter of right, or may, in the discretion of the court, be consolidated; or when two or more actions have been filed in which a common fund is involved, or in which the validity or construction of the same statute or ordinance of a city, or proceeding or act of the fiscal court or trustees or commissioners of a county, or trustees of a taxing district, is alone involved, or in which the enforcement of liens upon the same property is sought; and such actions are pending in different divisions of the court, any party to any of the actions may have any of the actions transferred to that division of the court in which the first of the actions was filed. The judge of the court may order such transfers to be made without a motion by any of the parties.

Sec. 72. Section 472 of the Code of Practice in Civil Cases is amended to read as follows:

The accounts of committees and trustees may be settled in the same manner, and the settlements shall have the same effect, as prescribed by KRS 25,170 to 25.210. The county court of the county in which the committee is appointed, or in which the deed or will creating the trusts is recorded, shall have the jurisdiction of making the settlements.

Sec. 73. This Act shall take effect on July 1, 1953.

Senator Freeman,

S. B. No. 213. AN ACT relating to the creation and maintenance of a State Memorial Park upon the site of Camp Beaureguard near the Village of Water Valley in the Southern part of Graves County, Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When a deed of not less than thirty acres of real estate in fee simple title free from all encumbrances has been executed and delivered to the Commonwealth of Kentucky, the real estate conveyed by said deed to include all of the embankments, trenches and burial grounds of the Confederate soldiers who died and were buried upon the site of Camp Beaureguard, which camp was located and established near the village of Water Valley in the southern part of Graves County, Kentucky, by the authority of the Confederate States of America during the War Between the States, the Division of Parks of the Department of Conservation is directed to occupy said real estate and to landscape and mark historical points thereof and maintain same as a perpetual memorial to the Confederate soldiers who died there without the opportunity of defending the rights of their state upon the field of battle. The maintenance provided for herein shall be of such a manner as to creditably reflect the reverence and respect of all true Kentuckians toward the heroes who voluntarily wore the blue or the gray between the years 1861 and mid-1865.

Senator Hoffman.

S. Res. No. 25. A JOINT RESOLUTION refunding illegal taxes collected by the Commonwealth of Kentucky from F. M. Tapp and Company.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioner of Finance of the Commonwealth of Kentucky secure from the Department of Revenue of the Commonwealth the exact amount collected by the Department of Revenue from F. M. Tapp and Company of Dixon and Providence, Kentucky, under the illegal Chain Store Tax Act, and that the Commissioner of Finance issue warrant directing the

Treasurer of the Commonwealth of Kentucky to pay F. M. Tapp and Company the exact sum, to-wit: $412.80 paid in by it under said unconstitutional Act.

Ordered that said bills and said resolution be printed and referred.

HOUSE MESSAGE

A message was received from the House of Representatives announcing that they had passed bills and a resolution which originated in that body of the following titles, viz:

H. B. No. 20. AN ACT relating to district detectives.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more the Commonwealth's attorney shall appoint four district detectives for a term of four years subject to removal at any time by the Commonwealth's attorney. The district detectives shall each be paid a salary of $2,800 annually, paid out of the county levy in equal monthly installments.

(2) In counties containing a city of the second class the Commonwealth's attorney shall appoint a district detective for a term of four years subject to removal at any time by the Commonwealth's attorney. He shall receive an annual salary of not less than $1,800, nor more than $3,600, to be paid out of the county levy in equal monthly installments.

(3) The detectives appointed pursuant to sub-sections (1), (2) or (5) of this section shall have the same powers of arrest and right to execute process as sheriffs have. They shall assist the Commonwealth's attorney in all matters pertaining to his office in the manner he designates and shall assist him in the preparation of all criminal cases in circuit court by investigating the evidence and facts connected with such cases.

(4) In counties containing a city of the first class the fiscal court may authorize the payment out of the county treasury of sums sufficient to reimburse the district detectives for expenses incurred for gasoline and motor oil used in the performance of their official duties, and may prescribe the amount, manner and conditions of payment.

(5) In counties containing a population of 40,000 or more persons but not containing a city of the second class, the Commonwealth's attorney may, if the fiscal court concurs therein, appoint a district detective having a term of four years subject to removal at any time by the Commonwealth's attorney. Such district detectives may receive an annual salary of not less than $1,800 nor more than $3,600.

H. B. No. 39. AN ACT relating to public library service and making an appropriation therefor.

Said bill is as follows, viz:

WHEREAS less than one-half of the total population of Kentucky has access to local public library facilities; and

WHEREAS only twenty per cent of the residents of rural areas have public library service; and

WHEREAS aid from the state is essential for the provision of adequate local public library service throughout the state;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. For promoting, aiding and equalizing public library service in Kentucky, particularly in rural areas, there is hereby appropriated out of the General Expenditure Fund of the State Treasury, to the Library Extension Division of the Department of Library and Archives, the sum of $50,000 for the fiscal year 1952-53, and $60,000 for the fiscal year 1953-54, which fund shall be known as the Public Library Service Fund.

2. Any funds appropriated for the promotion, aiding and equalizing of public library service shall be administered by the Library Extension Division of the Department of Library and Archives, which body shall frame by-laws, rules and regulations for the allocation and administration of said funds. The funds so appropriated shall be expended for aiding in the establishment, extension and development of local public library facilities (exclusive of library buildings, equipment and furniture) through the purchase of books or bookmobiles, through technical assistance, educational and promotional programs, and such other methods and services as will best accomplish the purpose.

3. To the extent of funds available, grants shall be made to counties applying for state aid, in the order in which they meet the requirements established by the Library Extension

Division. Grants-in-aid thus provided shall not exceed $5,000 to any county. Each county receiving a state grant shall expend from local funds, for county-wide public library service during the years for which aid is received a sum equal to at least 5% of the amount received from state funds; the ratio of matching to be based on local financial ability as determined by the assessed valuation of the county.

4. The fund appropriated under this act shall be separate and apart from the appropriation to the general fund of the Library Extension Division, which fund shall not be affected by this Act or appropriation hereunder.

5. It is the intention of this Act to add to the public library service given by local communities and not to relieve such communities of their responsibilities.

H. Res. No. 41. A CONCURRENT RESOLUTION directing the superintendent of Public Instruction to forward certain information to certain educational authorities.

Said resolution is as follows, viz:

WHEREAS, it is to the benefit of the public generally that as many persons as possible should be taught the nature of alcoholic liquor and narcotics and their injurious effects on the human system; and

WHEREAS, the General Assembly of the Commonwealth has recognized this fact and has enacted legislation requiring such instruction in the common schools; but

WHEREAS, it appears that a majority of the school authorities in this state are unaware of or are willfully ignoring the existence of such legislation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

HOUSE RESOLUTION NO. 41

Section 1. That the superintendent of Public Instruction is directed to forward, within ninety days after the effective date of this Resolution to each superintendent and principal of every common school within the state, and to those persons responsible for adopting textbooks for such schools, a copy of section 158.270 of the Kentucky Revised Statutes which reads as follows:

(1) The nature of alcoholic liquor and of narcotics and

their injurious effects on the human system shall be taught in each of the grades, four to ten inclusive, of the common schools. It shall be the duty of the superintendent and principal of every school and the president of every university, college or academy to have presented for a period of thirty minutes to the entire student body in assembly, at least on two occasions each term or semester by an appropriate program, the scientific, social and moral aspects of alcoholic beverages, stimulants and narcotics.

(2) The failure of any superintendent, principal or teacher to comply with the terms of this section shall be deemed a cause for the revocation of his contract of employment, and upon notice to the board of education employing such superintendent, principal or teacher that he has failed to do so it shall be the duty of said board to conduct a hearing and if the charge be proved to dismiss or discharge said superintendent, principal or teacher.

(3) When textbooks on physiology and hygiene shall be hereafter adopted or approved for the schools, such books shall contain a substantial text, to be approved by the Superintendent of Public Instruction, devoted to the nature of alcoholic liquors and narcotics and their effect upon the human system.

Section 2. That the superintendent of Public Instruction, in a covering letter, shall direct the superintendents and principals to inform each teacher in their school of the Provisions of KRS 158.270.

Section 3. That the Clerk of the House of Representatives is directed to deliver a copy of this Resolution to the Superintendent of Public Instruction.

Ordered that said bills and said resolution be printed and referred.

Senator Moloney moved that the rules of the Senate be suspended for the purpose of the referral of bills to committees.

REFERRAL OF BILLS

Senator R. P. Moloney, Chairman of the Committee on Committees, announced the referral of the following bills and resolutions:

S. B. No. 205.

H. B. No. 6. Appropriations

S. B. No. 206. Compensation for Industrial Injuries

S. Res. No. 23. Claims

H. B. No. 122. Education
S. Res. No. 24. Election Contests Committee
S. B. No. 207. Judiciary and Judicial Council
H. B. No. 227. Ky. Statutes No. 2
H. B. No. 189. Ky. Statutes No. 2
H. B. No. 203. Ky. Statutes No. 2
H. B. No. 216. Ky. Statutes No. 2
H. B. No. 223. Ky. Statutes No. 2
H. B. No. 226. Ky. Statutes No. 2
H. B. No. 230. Ky. Statutes No. 2
H. B. No. 271. Ky. Statutes No. 2
H. B. No. 41.
H. B. No. 65.
H. B. No. 177.
S. Res. No. 22. Municipalities
S. B. No. 208. Regulation of Intoxicating Liquors

Senator Moloney moved that S. B. No. 47, by way of Committee Substitute, be taken from the Orders of the Day and put upon its passage.

Said motion was agreed to.

Said S. B. No. 47 is entitled as follows, viz:

S. B. No. 47. AN ACT concerning compensation of county commissioners.

Senator Ford moved the adoption of amendment, by way of Committee Substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 67.110, K.R.S. be amended and re-enacted, so that when amended it shall read as follows:

COMPENSATION OF JUSTICES AND COMMISSIONERS FOR SERVING ON FISCAL COURTS. (1) Each county commissioner serving on a fiscal court may be paid out of the county treasurer the following compensation for his services:

(a) In counties containing a city of the first class, a salary of five thousand dollars per annum, payable monthly.

(b) In counties containing a city of the second class, a salary of four thousand dollars per annum, payable monthly.

(c) In counties containing a city of the third or fourth class, a salary of not more than one thousand, eight hundred dollars per annum, payable monthly.

(d) In other counties, the same compensation per day as justices of the peace receive under Section 64.530 KRS.

Notwithstanding any provision of KRS 64.530, county commissioners in counties containing a city of the first or second class who are in office on the effective date of this act and who were elected at the election at which the amendment to Section 246 of the Constitution of Kentucky was adopted may be paid the compensation authorized by this section, but not retroactively.

WHEREAS it is deemed necessary to authorize an increase in the compensation of such county commissioners now in office, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

Said motion was agreed to.

And thereupon said amendment, by way of Committee Substitute was adopted.

Senator Ford moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment by way of Committee Substitute, be engrossed and read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, having been dispensed with, and same having been engrossed, said bill, with amendment by way of Committee substitute, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment by way of Committee substitute, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Eugene H. Clark	Louis Cox
Bernard J. Bonn	Augustus Cornett	Archie Craft

Martin J. Duffy	James Lassiter	Leon Shaikun
Ernest M. Ford	C. W. A. McCann	Cortis K. Stacy
Wayne Freeman	James R. Mansfield	Paul Stapleton
Julian Golden	Earl F. Martin	Otis C. Thomas
James P. Hanratty	Strother Melton	Wendell Van Hoose
Doug Hays	Richard P. Moloney	Sylvester Wagner
Thomas Hines	Freeman Robinson	Ed P. Warinner
Stanley Hoffman	William J. Sample	John M. Williams
Dr. J. E. Johnson	Clay Shackleford	E. V. Withers

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Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment by way of Committee substitute, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that S. B. No. 129 be taken from its place in the Orders of the Day and put upon its passage.

Said motion was agreed to.

Said bill is entitled as follows, viz:

S. B. No. 129. AN ACT relating to coroners, amending section 213.090 of the Kentucky Revised Statutes.

Senator Hines moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken on said bill, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Earl F. Martin	Wendell Van Hoose
Thomas Hines	O. W. Montgomery	
Homer E. Losey	Freeman Robinson	—7

Those who voted in the negative were—

H. Stanley Blake	Doug Hays	William J. Sample
Louis Cox	Stanley Hoffman	Clay Shackleford
Archie Craft	Dr. J. E. Johnson	Cortis K. Stacy
Martin J. Duffy	C. W. A. McCann	John M. Williams
Wayne Freeman	James R. Mansfield	
Julian Golden	Richard P. Moloney	—16

And thereupon said bill was rejected.

The Senate then took up for consideration from the Orders of the Day bills of the following titles, viz:

S. B. No. 66. AN ACT relating to the attendance of witnesses from within or without a state in criminal proceedings.

S. B. No. 145. AN ACT relating to crimes and punishments.

H. B. No. 52. AN ACT relating to the County and Circuit Court record books.

Senator Moloney moved that consideration of said bills be deferred and that same be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

Senator Moloney moved that when the Senate adjourns today it adjourn out of respect to Mr. Dulin Moss who died yesterday in Frankfort.

Said motion was agreed to.

Senator Moloney moved that Senate Bill No. 20 be taken from its place in the Orders of the Day and put upon its passage.

Said motion was agreed to.

Said bill is entitled as follows, viz:

S. B. No. 20. AN ACT relating to chattel mortgages, amending section 382.720 of the Kentucky Revised Statutes.

Senator Moloney moved the adoption of amendment by way of Committee Substitute, which is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 382.720 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. Except as provided in Section 2 hereof, a recorded chattel mortgage shall be invalid as against creditors, purchasers, junior mortgages, other lienors and encumbrancers and third parties after the expiration of a

period of seven years from the time the chattel mortgage is filed as provided in KRS 382.670 or from the time of filing of a statement as provided in this section, unless before the expiration of such term the mortgagee or someone in his behalf files a statement, in the office of the county clerk of the county in which the property is then located, containing the names of the parties to the mortgage, the time and place where the original is filed, and the amount then due thereon for principal and interest, in which case the lien of the mortgage shall be extended for three years from the date of filing the statement. The county clerk may charge a fee of one dollar for filing such statement and shall enter it in his "chattel Mortgage minute book" as in the case of a chattel mortgage.

Section 2. Section 1, as above set forth, shall be applicable in all of its provisions as to livestock, farm machinery and equipment, including tractors, but excluding farm trucks and passenger automobiles, except that the limitation period shall be three years in lieu of the seven year provision therein provided.

Said motion was agreed to.

Whereupon said amendment, by way of Committee Substitute, was adopted.

Senator Williams moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendment by way of Committee Substitute, be engrossed and read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendment by way of Committee Substitute, having been dispensed with, and same having been engrosssed, said bill, with amendment by way of Commit-

tee Substitute, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendment by way of Committee Substitute, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	W. Thomas Hines	Freeman Robinson
Bernard J. Bonn	Stanley Hoffman	William J. Sample
Eugene H. Clark	Dr. J. E. Johnson	Clay Shackleford
Augustus Cornett	James Lassiter	Leon Shaikun
Louis Cox	Homer E. Losey	Otis C. Thomas
Archie Craft	James R. Mansfield	Sylvester Wagner
Martin J. Duffy	Earl F. Martin	Ed P. Warinner
Ernest M. Ford	C. W. A. McCann	John M. Williams
Wayne Freeman	Strother Melton	E. V. Withers
Doug Hays	Richard P. Moloney	—29

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendment by way of Committee Substitute, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Senator Moloney moved that S. B. No. 159, with amendment, be taken from its place in the Orders of the Day and put upon its passage.

Said motion was agreed to.

Said bill is entitled as follows, viz:

S. B. No. 159. AN ACT relating to utilities owned by cities of the second to sixth classes.

With committee amendments as follows, viz:

COMMITTEE AMENDMENT NO. 1

By eliminating from line 7 of page 1 of the printed bill the word "two-thirds" and substituting therefor the phrase "a majority".

AMENDMENT NO. 2

Amend Senate Bill No. 159

Section 1, line 6 by striking therefrom the word "of" after the word "system", and inserting in lieu thereof the word "or".

AMENDMENT NO. 3

Amend Senate Bill No. 159

Section 1, line 3 by inserting after the numeral "(1)" and before the words "No city" the following words "Except as provided in KRS 96.171 to 96.188, inclusive,"

Senator Ford moved the adoption of Committee Amendment No. 1.

Said motion was agreed to.

Senator Ford moved the adoption of Amendment No. 2.

Said motion was agreed to.

Senator Ford moved the adoption of Amendment No. 3

Said motion was agreed to.

And thereupon said amendments were adopted.

Senator Ford moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill, with amendments, be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill, with amendments, be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to.

Whereupon, the Constitutional provision as to the third reading at length of said bill, with amendments, having been dispensed with, said bill, with amendments, was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, with amendments, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Julian Golden	C. W. A. McCann
Eugene H. Clark	James P. Hanratty	James R. Mansfield
Augustus Cornett	Doug Hays	Earl F. Martin
Louis Cox	Thomas Hines	Strother Melton
Archie Craft	Stanley Hoffman	O. W. Montgomery
Martin J. Duffy	Alvin Kidwell	William J. Sample
Ernest M. Ford	James Lassiter	Clay Shackleford
Wayne Freeman	Homer E. Losey	Cortis K. Stacy

Paul Stapleton	Sylvester Wagner	E. V. Withers	
Otis C. Thomas	Ed P. Warinner		
Wendell Van Hoose	John M. Williams		—31

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill, with amendments, was passed, be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate then took up for consideration a bill of the following title, viz:

S. B. No. 149. AN ACT relating to the establishment, operation and maintenance of public parks in and by any county in the Commonwealth of Kentucky.

Senator Moloney moved that consideration of said bill be deferred and that same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The Senate took up from the Orders of the Day bills of the following titles, viz:

S. B. No. 71. AN ACT relating to game and fish.

S. B. No. 102. AN ACT establishing County Social Service Advisory Committees for public assistance and child welfare.

S. B. No. 101. AN ACT relating to public assistance and welfare of needy aged, needy blind and needy children, and amending sections 205.010, 205.200, 205.210, 205.240, and 205.990 of the Kentucky Revised Statutes and repealing subsection (3) of section 205.170 of the Kentucky Revised Statutes.

H. B. No. 79. AN ACT authorizing second class cities to contribute to the support of dependent children.

S. B. No. 119. AN ACT amending Section 423.010, Kentucky Revised Statutes.

H. B. No. 96. AN ACT relating to election precincts, amending section 116.180 of the Kentucky Revised Statutes.

H. B. No. 98. AN ACT relating to absent voting, amending sections 126.160, 126.170 and subsection (3) of section 126.270 of the Kentucky Revised Statutes.

H. B. No. 97. AN ACT relating to voting procedure, amending section 118.280 of the Kentucky Revised Statutes.

H. B. No. 95. AN ACT relating to qualifications, regis-

tration and purgation of voters. (With Committee Amendments)

S. B. No. 152. AN ACT relating to the Department of State Police. (With Committee Amendments)

S. B. No. 131. AN ACT to repeal, amend and reenact Sections 278.130, 278.190, 278.290, 278.410 and 278.450 Kentucky Revised Statutes, which sections relate to the regulation of utilities, and declaring an emergency to exist. (With Committee Amendments)

Senator Moloney moved that consideration of said bills be deferred and that they be allowed to retain their places in the Orders of the Day.

Said motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 71. AN ACT relating to game and fish.

Senator McCann moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eugene H. Clark	Thomas Hines	Freeman Robinson
Augustus Cornett	Dr. J. E. Johnson	William J. Sample
Martin J. Duffy	Alvin Kidwell	Clay Shackleford
Ernest M. Ford	C. W. A. McCann	Leon Shaikun
Wayne Freeman	Earl F. Martin	Paul Stapleton
Julian Golden	Strother Melton	Wendell Van Hoose
Doug Hays	Richard P. Moloney	E. V. Withers —21

Those who voted in the negative were—

Bernard J. Bonn	Wayne Freeman	Otis C. Thomas
Louis Cox	Homer E. Losey	Sylvester Wagner
Archie Craft	O. W. Montgomery	—8

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. No. 127. AN ACT concerning waterworks in cities other than first class.

Senator Hines moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Julian Golden	James R. Mansfield
Bernard J. Bonn	James P. Hanratty	Earl F. Martin
Eugene H. Clark	Doug Hays	C. W. A. McCann
Augustus Cornett	W. Thomas Hines	Strother Melton
Louis Cox	Stanley Hoffman	O. W. Montgomery
Archie Craft	Dr. J. E. Johnson	Freeman Robinson
Martin J. Duffy	Alvin Kidwell	William J. Sample
Ernest M. Ford	James Lassiter	Clay Shackleford
Wayne Freeman	Homer E. Losey	Leon Shaikun

Cortis K. Stacy	Wendell Van Hoose	John M. Williams	
Paul Stapleton	Sylvester Wagner	E. V. Withers	
Otis C. Thomas	Ed P. Warinner		—35

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. No. 147. AN ACT relating to the control and suppression of air pollution; creating an air pollution control district in each county of the Commonwealth; providing procedure by which, and conditions under which, a district may be activated and organized; providing for the names and general and specific powers of the districts; providing for an air pollution control board and a hearing board for each district; providing for the powers and duties of such boards, and for the appointment, powers and duties of officers and employees of the districts; providing generally ways and means to effect the purposes of this Act; authorizing appropriations to the districts by counties and cities of the first and second classes; prohibiting the emission of smoke and other air contaminants of a greater density or opacity than those standards established herein; prohibiting the emission of other air contaminants under conditions described herein; declaring that the general assembly does not intend to occupy the field; specifying what are violations of this Act; affording injunctive relief against certain violations; providing for the penalties to be imposed upon violators of this Act; providing for appeals to the courts of the Commonwealth; and declaring an emergency to exist.

Senator Bonn moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Senator Moloney moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Wayne Freeman	Earl F. Martin
Bernard J. Bonn	Julian Golden	C. W. A. McCann
Eugene H. Clark	James P. Hanratty	Freeman Robinson
Augustus Cornett	W. Thomas Hines	Clay Shackleford
Louis Cox	Alvin Kidwell	Leon Shaikun
Martin J. Duffy	James Lassiter	Sylvester Wagner
Ernest M. Ford	James R. Mansfield	E. V. Withers

—21

Those who voted in the negative were—

Archie Craft	Cortis K. Stacy	Ed P. Warinner

—3

Resolved that the title thereof be as aforesaid.

Senator Moloney moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Sample, Chairman of the Committee on Enrollment, reported that said committee had examined and found to be correctly enrolled a bill of the following title, viz:

S. B. No. 40. AN ACT changing the classification of the City of Jeffersontown, in Jefferson County.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President Pro Tem of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk delivered said original and original and enrolled copies of said bill to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bill duly signed by the Speaker of the House,

Ordered that the Chief Clerk of the Senate deliver said bill to the Governor.

After a time, the Chief Clerk aforesaid reported that he had discharged that duty.

REPORT OF COMMITTEE

Senator Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which said resolution had been referred previously, reported the following entitled resolution, with amendment, viz:

H. Res. No. 9. A JOINT RESOLUTION memorializing Congress to continue to maintain and operate certain improvements in the Kentucky River.

With the expression of opinion that said resolution, with amendment, should pass.

Said amendment is as follows, viz:

Amend House Resolution 9 by striking the period after the word "River" on line 4 page 2 of the printed Resolution and inserting a comma in lieu thereof and following such comma to add the following:

"and in the event that the Jessamine Creek Dam Project is undertaken, that the plans therefor provide for locking facilities."

Whereupon, said resolution was read at length for the first time.

Senator Moloney moved the adoption of said resolution, with said amendment.

Said motion was agreed to.

Thereupon, said resolution, with said amendment, was adopted.

Senator Moloney moved that the Senate do now recess until 2:35 P.M.

Said motion was agreed to.

And then the Senate recessed.

The appointed time having arrived, the President Pro Tem of the Senate, Honorable Louis Cox, resumed the chair and presided over the Senate.

Senator Kidwell, Chairman of the Committee on Appropriations, to which said bill had been referred previously, reported a bill of the following title, viz:

S. B. No. 132. AN ACT authorizing certain cities and

counties to contribute public funds for charitable and welfare purposes.

With the expression of opinion that same should pass, with amendment by way of Committee Substitute.

Said amendment by way of Committee Substitute is as follows, viz:

AN ACT relating to social and welfare services in certain cities and counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The legislative body of any city of the third class or fiscal court of the county containing such city is authorized to contribute public funds to any private agency or organization, or combination of such agencies or organizations, located in the city or county, performing charitable and welfare work among the citizens generally of the city or county.

Section 2. The legislative body of any city of the third class or the fiscal court of the county containing such city, or both acting jointly, may create a department, board or other agency for the purpose of serving either the county or the city or both, in the administration and supervision of: All forms of public assistance, general relief, and social services to adults and children in homes or eleemosynary and correctional institutions; city and county eleemosynary institutions; city and county penal institutions including the establishment of rules and regulations for the custody, government, and parole of inmates; other public welfare activities or services which may be placed within the control of the board.

Whereupon, said bill, with amendment by way of Committee Substitute, was read at length for the first time and

Ordered placed in the Calendar.

Senator Hines, Chairman of the Committee on Classification of Towns and Cities, to which said bills had been referred previously, reported bills of the following titles, viz:

H. B. No. 4. AN ACT changing the Classification of the City of Elsmere, in Kenton County.

H. B. No. 15. AN ACT changing the classification of the city of Worthington, in Greenup County.

H. B. No. 169. AN ACT concerning annexation of territory to cities of the third class.

S. B. No. 202. AN ACT changing the classification of the City of Loyall, in Harlan County.

S. B. No. 204. AN ACT changing the classification of the City of Danville, in Boyle County.

With the expression of opinion that same should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

Senator Melton, Chairman of the Committee on Revenue and Taxation, to which said bills have been referred previously, reported bills of the following titles, viz:

H. B. No. 204. AN ACT relating to the acquisition of industrial buildings and equipment by cities, amending section 103.200 of the Kentucky Revised Statutes.

H. B. No. 42. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other taxing districts.

With the expression of opinion that same should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

Senator Melton, Chairman of the Committee on Revenue and Taxation, to which said resolution has been referred previously, reported a resolution of the following title, viz:

S. Res. No. 12. A RESOLUTION concerning Fair Trade Laws.

With the expression of opinion that same should pass.

Whereupon, said resolution was read at length for the first time and

Ordered placed in the Calendar.

Senator McCann, Chairman of the Committee on Municipalities, to which said bill had been referred previously, reported a bill of the following title, viz:

S. B. No. 196. AN ACT relating to boards of park commissioners in cities of the second class.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

Senator Clark, Chairman of the Committee on Compensation for Industrial Injuries, to which said bill had been referred previously, reported a bill of the following title, viz:

S. B. No. 150. AN ACT relating to Workmen's Compensation.

With the expression of opinion that same should pass with Committee Amendment, as follows, viz:

Page 1, line 4, by striking through the word "presented" and substituting in lieu thereof the word "presumed".

Whereupon, said bill, with committee amendment, was read at length for the first time and

Ordered placed in the Calendar.

Senator Williams, Chairman of the Committee on Fish and Game, to which same had been referred previously, reported a bill of the following title, viz:

H. B. No. 1. (AN ACT relating to the issuance of duplicate game, hunting and fishing licenses and tags, where such original license or tag is lost or destroyed; providing fees for such duplicates.

With the expression of opinion that same should pass with committee amendment, as follows, viz:

AMENDMENT NO. 1 to H. B. No. 1

On page 2 line 11 by adding at the end of line 11 the following:

"The Clerk, upon issuance of a duplicate license certificate or tag, shall attach the carbon copy of such duplicate license to the carbon copy of the lost or destroyed original license certificate or tag and forward such copies to the Division of Game and Fish with his next monthly statement."

Whereupon, said bill, with committee amendment, was read at length for the first time and

Ordered placed in the Calendar.

Senator Louis Cox, Chairman of the Committee on Kentucky Statutes No. 2, to which said bills had been referred previously, reported bills of the following titles, viz:

H. B. No. 145. AN ACT relating to unemployment insurance and amending KRS 341.030 (5), (6) and (7); KRS 341.090 (3); KRS 341.145; KRS 341.200; KRS 341.230; KRS 341.260; KRS 341.270; KRS 341.300; KRS 341.310; KRS 341.370; (4) and (5);

KRS 341.380; KRS 341.390; KRS 341.420 (3); KRS 341.540; and KRS 341.990 (5).

S. B. No. 174. AN ACT relating to sewer and drainage facilities in cities of the first class.

S. B. No. 175. AN ACT relating to sewer and drainage facilities in cities of the first class and in counties containing such cities, amending and re-enacting Sections 76.030, 76.080, 76.130, 76.170 and 76.180, Kentucky Revised Statutes.

S. B. No. 179. AN ACT relating to tuberculosis sanatoria operated by City-County Boards of Health in Counties containing a city of the First Class.

S. B. No. 180. AN ACT relating to insurance rates, amending KRS 304.603 and KRS 304.627.

S. B. No. 189. AN ACT concerning school building funds.

S. B. No. 192. AN ACT relating to off-street parking facilities in certain cities.

S. B. No. 193. AN ACT relating to Off-Street Parking facilities in Cities of the first and second class, providing for an alternate plan for acquisition.

H. B. No. 216. AN ACT relating to alleged mental incompetents.

H. B. No. 230. AN ACT relating to the use of certain funds for the acquisition of space for the Division of Unemployment Insurance and the Department of Economic Security; amending KRS 341.245.

H. B. No. 226. AN ACT further empowering the Commissioner of Highways to establish certain highways through fourth, fifth, and sixth class cities.

H. B. No. 227. AN ACT relating to the Department of Welfare, amending Section 439.100 of the Kentucky Revised Statutes.

S. B. No. 151. AN ACT concerning organization and government of cities of the first class and agencies thereof, repealing Sections 69.420, 91.010, 91.030, 91.040, 91.050, 91.070, 93.030, (2) and (3), 93.040, 93.130, 93.140, 93.150, 93.160, 93.170, 93.180, 93.190, 93.200, 93.210, 93.220, 93.230, 93.240, 93.250, 93.260, 93.270, 95.080, 95.100, 95.110, 95.120, 95.130, 95.140, 95.150, (2), (3), (4) and (5), 95.190, 95.220, 95.230, 95.240, 95.250, 95.260, 95.280, 95.300, 95.310, 95.320, 95.330, 95.340, 95.350, 95.360, 95.370, 95.380, 95.390, 95.400, 95.410, 95.420, 97.254, 95.256,

97.258 and 98.020 of the KENTUCKY REVISED STATUTES AND AMENDING SECTIONS 93.060, 93.110, 93.120, 95.160, 95.180, 95.200 and 95.290 of the KENTUCKY REVISED STATUTES.

H. B. No. 58. AN ACT relating to zoning and planning in cities of the second class and in counties containing such a city.

S. B. No. 166. AN ACT relating to city-county boards of health established by KRS 212.350; and providing for the recovery by such boards of fees and charges for treatment, care and services rendered by institutions operated and maintained by such boards to patients able to pay therefor, and creating subrogation rights in such boards against persons liable to such patients.

S. B. No. 169. AN ACT relating to actions and proceedings in Circuit Courts having two judges, amending Sections 24.080 and 24.150 of the Kentucky Revised Statutes.

S. B. No. 173. AN ACT relating to sewers and drains in counties in which metropolitan sewer districts have been established.

S. B. No. 165. AN ACT relating to inquest, commitment and discharge of incompetent persons, amending Section 202.080 of the Kentucky Revised Statutes.

H. B. No. 146. AN ACT relating to appointment of members of the board of trustees of the University of Kentucky.

H. B. No. 198. AN ACT, amending KRS 45.280, relating to Petty Cash Funds of State Budget Units.

H. B. No. 224. AN ACT relating to child labor.

H. B. No. 231. AN ACT relating to the selection and adoption of textbooks for use in public schools.

H. B. No. 271. AN ACT relating to the taxation of special fuels.

With the expression of opinion that said bills should pass.

Whereupon said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Moloney moved that, out of respect to Mr. Dulin Moss, who died yesterday at Frankfort, the Senate do now adjourn until 1 P.M. Wednesday, February 20, 1952.

Said motion was agreed to.

And then the Senate adjourned.